

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, September 18, 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

Richard Gollott

Mark Havard

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chesnut, Esq., Assistant Attorney General

*Lucille Morgan, CSR 1251*

*COURT REPORTER*

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1           COMMISSIONER BOSARGE: I would like to call this  
2 meeting to order, and I apologize for being late.

3           We are technologically advanced here, so we are  
4 going to walk our way through this.

5           It's good to see everybody. We want to welcome  
6 everybody to our September meeting. Looks like we've got  
7 a pretty good crowd.

8           We will start it all off with the Pledge of  
9 Allegiance, and I will ask Commissioner Daniels to lead  
10 us.

11           (Pledge of Allegiance was recited.)

12           COMMISSIONER BOSARGE: At this time I would like  
13 to just take a moment of silence to reflect on where we  
14 are and who may need our guidance in the future and our  
15 prayers.

16           (Moment of silence observed.)

17           COMMISSIONER BOSARGE: Thank you. We will move  
18 on.

19           Up next is approval of the minutes.

20           Do we have any changes to the minutes?

21           (No response.)

22           COMMISSIONER BOSARGE: I actually have one  
23 change to the minutes. Bear with me here just one second.

24           Mr. Joe is not kicking me yet.

25           Senator Seymour, is he in the audience?

1 FROM THE FLOOR: He's outside.

2 COMMISSIONER BOSARGE: We will thank him, when  
3 he steps in.

4 On the minutes of last month's meeting, I guess  
5 you would say page ninety-eight.

6 Joe, it was actually you.

7 Do you want to look at that, Joe?

8 Have you got the minutes?

9 JOE JEWELL: I've got the minutes.

10 Page ninety-eight?

11 COMMISSIONER BOSARGE: Page ninety-eight.

12 JOE JEWELL: Okay.

13 COMMISSIONER BOSARGE: It's talking about a  
14 discussion about the motion that was made about haul  
15 seines and in the last sentence there it says:

16 "The motion was made by Commissioner Havard.  
17 It was seconded by Commissioner Trapani. It  
18 passed three to one. Commissioner Bosarge  
19 voted no."

20 We need to correct that because Commissioner  
21 Trapani wasn't here.

22 JOE JEWELL: What was the motion?

23 COMMISSIONER BOSARGE: The specific motion was  
24 for the staff to come back the next month, which would be  
25 July, with a Notice of Intent to establish a one-mile

1 commercial net exclusionary zone around Cat Island. This  
2 is the August meeting.

3 JOE JEWELL: I'm explaining what happened in  
4 July.

5 SANDY CHESNUT: Commissioner Bosarge, we can  
6 look at the video and we can change that. We can find out  
7 who made that motion and change the minutes.

8 COMMISSIONER BOSARGE: If you look at where our  
9 court reporter writes down who is present at the meeting,  
10 Ronnie Daniels, Richard Gollott and Mark Havard were all  
11 that were present.

12 SANDY CHESNUT: He just needs to change who made  
13 that motion, Joe, because Trapani wasn't here.

14 JOE JEWELL: I agree that we need to look at it  
15 because what I'm saying in the public record there --

16 "Commissioner Gollott: How does it read,  
17 Joe?"

18 They are asking me what was the motion in July,  
19 not August.

20 I said, "The motion?"

21 Commissioner Gollott said, "Yes."

22 And, now, I'm reading what happened and occurred  
23 in July, not in August.

24 The July meeting, I have in my notes and my  
25 records that Commissioner Trapani --

1           COMMISSIONER BOSARGE: (Interposing) We are  
2 going to change that.

3           JOE SPRAGGINS: She was not here in July either.

4           JOE JEWELL: She wasn't here in July?

5           COMMISSIONER BOSARGE: She wasn't here in July.

6           JOE SPRAGGINS: Now, if it was done in June,  
7 Joe, and you are talking about June --

8           JOE JEWELL: (Interposing) That's right because  
9 I note that Richard Gollott and Jolynne Trapani were  
10 absent in the July meeting.

11           Those present were Commissioner Daniels,  
12 Commissioner Bosarge and Commissioner Havard.

13           I have the motion report here. Let's see if I  
14 can find the actual motion and who did it.

15           My notes say it was Item K4. This is reading  
16 from the July meeting. Title 22, Part 5, One-Mile Finfish  
17 Net Exclusion Zone Around Cat Island. It was presented by  
18 me as an action item. It was motion ten on the table.

19           The motion was:

20           "Title 22, Part 5, One-mile Exclusion Zone  
21 Around Cat Island to prohibit commercial  
22 finfish nets."

23           The motion was made by Commissioner Havard. It  
24 was seconded by Commissioner Daniels. The vote was two to  
25 one, with Commissioner Bosarge opposing.

1           That's what happened in July. That does need to  
2 be corrected.

3           COMMISSIONER BOSARGE: We just need to make sure  
4 we don't include Commissioner Trapani in there.

5           JOE JEWELL: I'm sure she would appreciate that.

6           COMMISSIONER GOLLOTT: Mr. Chairman, I make a  
7 motion that we approve the amended minutes and let the  
8 staff go back and go ahead and amend it.

9           COMMISSIONER BOSARGE: We have a motion.  
10 Do we have a second to that motion?

11           (No response.)

12           COMMISSIONER BOSARGE: I'll second the motion.  
13 We have a motion and a second.

14           Any further discussion?

15           (No response.)

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

18           COMMISSIONER BOSARGE: Opposed like sign.

19           (None opposed.)

20           COMMISSIONER BOSARGE: Motion carries.

21           Now, let me see if I can find the agenda here.

22           Next up is approving the agenda.

23           Do we have any changes, or modifications, to the  
24 agenda?

25           (No response.)

1           COMMISSIONER BOSARGE: I actually have one.  
2           Under other business, I would like to have a  
3 discussion about some things that have happened in the  
4 past, to talk about peer review committees.

5           This was something that was put in place back  
6 when Commissioner Vernon Asper chaired this committee and  
7 a lot of things have happened over in my part of the  
8 world.

9           We've got a fourteen million dollar shortfall  
10 nobody can explain, and I'm seeing Bill Walker's face in  
11 the news again and it is just bringing back haunting  
12 memories.

13           Anyhow, there were some things that were put in  
14 place that I would like to go over in other business.

15           I will make a motion that we talk about peer  
16 review committees and other business.

17           COMMISSIONER GOLLOTT: So seconded, Mr.  
18 Chairman.

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

21           All those in favor aye.

22           (All in favor.)

23           COMMISSIONER BOSARGE: Opposed like sign.

24           (None opposed.)

25           COMMISSIONER BOSARGE: Motion carries.

1 Executive Director's report.

2 JOE SPRAGGINS: Yes, sir.

3 One thing I would like to ask is that the  
4 Commission make a motion, if they would, if they could  
5 look at that, to move the October 16 meeting to Jackson  
6 County Board of Supervisors board room starting at 10:00  
7 a.m.

8 COMMISSIONER BOSARGE: I think that's a good  
9 idea.

10 COMMISSIONER HAVARD: Mr. Chairman, I would like  
11 to make a motion that we move the October 16<sup>th</sup> meeting to  
12 Jackson County.

13 COMMISSIONER BOSARGE: You want to start that  
14 meeting at 9:00, or 10:00, a.m.?

15 COMMISSIONER HAVARD: 10:00.

16 COMMISSIONER BOSARGE: We have a motion.  
17 Do we have a second for that motion?

18 COMMISSIONER DANIELS: I'll second that motion.

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

21 Any further discussion?

22 (No response.)

23 COMMISSIONER BOSARGE: All those in favor aye.  
24 (All in favor.)

25 COMMISSIONER BOSARGE: Opposed like sign.



1 (None opposed.)

2 COMMISSIONER BOSARGE: Motion carries.

3 Good deal. It will be in Jackson County.

4 JOE SPRAGGINS: The reason we do that is we had  
5 agreed to do at least one in Jackson County and one in  
6 Hancock County each year. We did the spring one in  
7 Hancock County. We will probably do the fall in Jackson  
8 County.

9 The other thing, we had a public meeting the  
10 other night on the one-mile Cat Island band, and I thought  
11 it was just outstanding the way it was done.

12 Joe, thank you for the way that you ran the  
13 meeting. I think it worked out perfect. It was very  
14 orderly, and I just want to thank the people who attended  
15 there for being so orderly about it.

16 We have a thing on Thursday. We are going to  
17 have a DMR day. The first time we have ever had one that  
18 I know of. We are going to take a day. DMR is just going  
19 to take a day and we are going to do some motivational  
20 stuff to understand how to maybe get our minds back  
21 together a little bit.

22 We have a motivational speaker coming out of  
23 Kansas. His name is Judge Webb. If any of y'all would  
24 like to attend, you are more than welcome, Commissioners.

25 It is going to be here starting at about 8:00

1 that morning and going to about 2:00.

2 Also, I don't know the answer on the fifth  
3 Commissioner yet. In case anybody is wondering, we are  
4 still waiting on the governor's decision on that and,  
5 hopefully, he will get it to me soon.

6 we did have other thing, a shrimp boat that had  
7 been sunk out around the Ocean Springs area, south of it,  
8 and we are working that. Just to let everyone know we are  
9 working it and trying to get that removed.

10 Jason and them have already put it in as a  
11 derelict vessel and we are trying to get everything moved  
12 on it.

13 Did we mark that vessel, Keith?

14 KEITH DAVIS: Yes, sir. The vessel has been  
15 tagged.

16 JOE SPRAGGINS: Has it been marked with a light,  
17 or anything?

18 KEITH DAVIS: Yes, sir. There is a light. I  
19 believe the owner put a light on it himself.

20 JOE SPRAGGINS: Just wanted to let you know  
21 because it was a hazard to people and we are looking at  
22 that.

23 Other than that, sir, that's all I have.

24 COMMISSIONER BOSARGE: Thank you.

25 Up next is Commissioners report.

1 Does anybody have anything they would like to  
2 report on, or comment on?

3 (No response.)

4 COMMISSIONER BOSARGE: We will move on.  
5 Next will be Office of Marine Patrol, Chief  
6 Davis.

7 Chief, I think I see Senator Seymour in the  
8 audience. I just want to thank you for taking the time to  
9 be in our meeting.

10 JOSEPH SEYMOUR: Thank you.

11 KEITH DAVIS: Good morning.

12 Hopefully you have the monthly report, but I do  
13 want to talk about one specific section of the report, and  
14 that's the crab violation citations.

15 Marine Patrol has been getting a lot of  
16 complaints from commercial crabbers, complaining that  
17 their crab pots are being robbed, or stolen.

18 Last month, patrol increased their activities  
19 over in the Pascagoula area and, as you can see, made  
20 several citations, or arrests. That investigation is  
21 continuing and we do anticipate more citations will be  
22 issued in that case.

23 I don't know if any of you have any specific  
24 questions about any of the categories, but, again, we take  
25 that very seriously, individuals.

1           As you remember, last year in the legislature we  
2           tried to get some stiffer penalties surrounding crab  
3           theft. It failed. However, we are going to try again  
4           this year because I do think that as hard as it is to  
5           catch these individuals robbing crab pots, I do think that  
6           the penalties should be higher when we are successful in  
7           catching them.

8           Under the fishing violations on page two, it is  
9           pretty straight forward and, at the very bottom, it talks  
10          about possession of Red Snapper without a landing permit.

11          First, let me say this. The percentage of stops  
12          remain close to what I reported last month. That's around  
13          fourteen percent, what we stopped.

14          This past weekend with the mini season, four  
15          citations were issued for no Tails n' Scales, ten snapper  
16          were seized and returned to sea, and all of those  
17          individuals are from the local area. The farthest away  
18          was Picayune and Lucedale.

19          I can go over page five, the assists with public  
20          safety concerns -- it's pretty straight forward -- unless  
21          any of the Commissioners have any questions about that.

22          Other than that, that's all I have.

23          COMMISSIONER BOSARGE: I have some comments I  
24          wanted to make, and, then, we have one person that has  
25          asked to speak at this particular time.

1 Gulf States put on a workshop here this past  
2 week, dealing with Red Snapper and all the different  
3 programs.

4 I want you to know that our reporting system is  
5 the best. Part of what we have that nobody else has is  
6 what you do and, by that, I mean the enforcement side.

7 I understand that you guys have kind of got  
8 yourselves a nickname in a way, Snapper Snatchers, I  
9 think. Something like that.

10 Anyhow, it's good what you are doing. It  
11 validates the system and it sets the bar for the rest of  
12 the states. I just wanted to mention that.

13 The other thing, we had talked about it in some  
14 previous meetings, or one of the previous meetings, where  
15 I asked you to check on the folks that actually get  
16 snapper trips during closed season.

17 KEITH DAVIS: Yes, sir. We did. We identified  
18 those individuals thanks to Fisheries, and we did send  
19 them a letter indicating that it was from the Director's  
20 office, that we are aware that they at least registered  
21 for a trip and we continue to monitor that even during  
22 closed season and this particular incident would be  
23 considered a warning. However, in the future there will  
24 be no warnings, as far as those are concerned.

25 COMMISSIONER BOSARGE: Well, it's a bad

1 situation that they went fishing during closed season and  
2 you have to wonder did they know it was closed, or did  
3 they not know it was closed, but, anyhow, I guess the old  
4 saying ignorance is no excuse for the law.

5 KEITH DAVIS: Yes, sir, and I want to point out  
6 this to you, Commissioner Bosarge, that I don't know if it  
7 was the will of the Commission for Marine Patrol to issue  
8 citations. However, from a court point of view, we didn't  
9 have the evidence of them actually fishing.

10 we have the Tails n' Scales app where they open  
11 a trip and they close a trip, but I, as a recreational  
12 fisherman, can go into that app, open a trip and close a  
13 trip.

14 I believe they went fishing. Proving it in  
15 court is another matter so, at the Director's instruction,  
16 we sent them a letter of warning saying don't do this  
17 again and, if you do, we are going to catch you.

18 COMMISSIONER GOLLOTT: Chief, you mean to tell  
19 me that them submitting a report that they went fishing,  
20 telling us how many fish they caught, the time and all  
21 that, is not evidence in court?

22 KEITH DAVIS: It's an argument, but I can tell  
23 you, in consultation with prosecutors, it would be hard.  
24 If they came in and said, I didn't fish, I did not go  
25 fishing, it would be hard to prove that in the Justice

1 Court system.

2 JOE SPRAGGINS: Commissioners, a couple of  
3 things.

4 Number one, most of them filed a report and, if  
5 they filed a report, they were filing it because they  
6 thought the season was open. They did not know.

7 we did have a glitch in the system, at the time,  
8 and the system did not flash up to say that the season was  
9 closed.

10 Now, that has been corrected, since then, and  
11 you can go in and you can try to do it now, like, today  
12 you could try to file a report to get a trip ticket, or a  
13 ticket to go out, and it will flash "CLOSED SEASON",  
14 "CLOSED SEASON".

15 The idea was that the people, if they filed a  
16 report and said they caught fish and brought them back in,  
17 were not trying to break the law because, if they had  
18 been, they wouldn't have done that, and that's the way we  
19 looked at it.

20 COMMISSIONER BOSARGE: And I agree. It is a  
21 violation is what I'm saying.

22 I see Joe.

23 KEITH DAVIS: I can also tell you this. One of  
24 individuals that received a letter did call our office and  
25 was very adamant that he did not fish.

1           Commissioner Gollott, that is a strong sign that  
2 had we issued those individuals citations, we would have  
3 had an issue in court.

4           COMMISSIONER GOLLOTT: I sure wouldn't want to  
5 try that with the Internal Revenue Service.

6           COMMISSIONER BOSARGE: You reported on the sale  
7 of recreational fish to restaurants.

8           In other words, you said that you found four  
9 restaurants and they had purchased recreationally caught  
10 fish.

11          KEITH DAVIS: Yes, sir. It is still making its  
12 way through the judicial system. I know at least one  
13 restaurant has obtained counsel. However, the video that  
14 we have in those cases is very strong. I don't anticipate  
15 any issues with getting that through the court system.

16          COMMISSIONER BOSARGE: Have we taken it to the  
17 next step to find the fishermen?

18          KEITH DAVIS: Yes, sir. That's an ongoing  
19 investigation, as well. We do have some strong leads on  
20 who those individuals are.

21          COMMISSIONER BOSARGE: And, you know, this is a  
22 pet peeve. It's been a concern of mine for a long time,  
23 and I know that with these four restaurants, we are barely  
24 scratching the surface.

25          KEITH DAVIS: Yes, sir, and not only just here



1 on the Coast. We have opened our eyes to those  
2 individuals in the rest of the state that are involved in  
3 this activity. It is a big problem in the State of  
4 Mississippi, and we are aware of that.

5 Along those lines, Director Spraggins and I are  
6 going to be going back to the legislature this year, and  
7 I'm going to need your support with the legislature.

8 Last year, we also introduced legislation to get  
9 unmarked vehicle. What our issue is, if we pull up to  
10 restaurant A in a marked Marine Patrol truck and there is  
11 a fisherman selling recreationally caught fish, he's got  
12 the jump on us.

13 We need to be able to get closer to these  
14 individuals, when they are actively engaged in this.

15 Now, there are different things that we can do,  
16 putting cameras up, this and that, but that gets  
17 expensive, and there is a need for us to have some  
18 unmarked vehicles so we can get closer to these  
19 individuals.

20 COMMISSIONER BOSARGE: I'm glad to hear we are  
21 continuing to work on it.

22 We also have Senator Dawkins in the audience.  
23 There she is. Thank you, ma'am. We appreciate you being  
24 here.

25 DEBORAH DAWKINS: Thank you.

1           COMMISSIONER BOSARGE: We also have one public  
2 comment request by Mr. Ryan Bradley.

3           RYAN BRADLEY: Thank you, Commissioners.

4           Ryan Bradley, Executive Director of the  
5 Mississippi Commercial Fisheries United.

6           A couple of things I just wanted to bring to the  
7 attention and put on the public record here. Our  
8 organization is greatly concerned to hear of some recent  
9 law enforcement activity over the last several months and  
10 few weeks that appears to be targeting hardworking  
11 commercial fishermen.

12           Specifically, we have recently learned that  
13 certain commercial fishermen have been pulled over in  
14 their personal vehicles crossing the Mississippi-Alabama  
15 state line.

16           In one instance, a pretty high ranking member of  
17 our organization, a real great guy that has never done any  
18 wrong in his life was pulled over coming from Alabama into  
19 Mississippi. This fisherman was not in possession of any  
20 seafood and was not observed doing any kind of seafood  
21 transaction.

22           Is that part of the policy of enforcement to  
23 pull over the people on the interstate for no reason?

24           I think that's a big concern we have and, by all  
25 means, if people are breaking the law, we need to go after

1       them.

2               We are greatly concerned about this being a  
3 politically-motivated enforcement action. We hope this is  
4 not the case because it denigrates the hardworking Marine  
5 Patrol officers who risk their lives with very little pay,  
6 that are out there in the heat, and they are saving  
7 people's lives. They don't deserve to be included in  
8 politically-motivated enforcement actions.

9               We are also concerned about the way information  
10 about the late reporting was brought about in the  
11 commercial Trip Ticket system.

12              If you look back into the public record, you  
13 will see there was a regulatory action that was passed  
14 that modified the Trip Ticket reporting system last year.

15              I would like to ask, was there a notice of these  
16 regulatory changes that was sent out to these affected  
17 fishermen.

18              It seems as though this instance is being used  
19 to justify the promulgation of certain regulations, and we  
20 believe this is an unfair assessment and contributes to  
21 the totality of the egregiousness of the politically-  
22 motivated attacks in the commercial sector.

23              By all means, if anybody is out breaking the  
24 law, they should be cited and we fully support those  
25 instances.

1 I will leave that there. Thank you  
2 Commissioners.

3 COMMISSIONER BOSARGE: Thank you.

4 As far as to answer your question, Chief Davis,  
5 this is a new one on me for Marine Patrol.

6 KEITH DAVIS: As a law enforcement officer  
7 professional, I'm going to say this. Those are some  
8 strong allegations, and I'm going to say that we resent  
9 those, and I will leave it at that.

10 COMMISSIONER BOSARGE: You had a question, Mr.  
11 Bradley, and I have asked Ms. Chesnut if she can look back  
12 on the minutes and answer your question in writing to you.

13 RYAN BRADLEY: Thank you, sir.

14 COMMISSIONER BOSARGE: Next up is Office of  
15 Coastal Resources Management, Mr. Jan Boyd.

16 JAN BOYD: Good morning Mr. Chairman,  
17 Commissioners, General Spraggins, Ms. Chesnut.

18 We have one action item for your consideration  
19 this morning, and Willa Brantley will be presenting that.

20 WILLA BRANTLEY: Good morning.

21 As Jan said, my name is Willa Brantley, and I  
22 will be presenting the final adoption of Title 22, Part  
23 23, which has this long title, Rules and Regulations for  
24 the Coastal Wetlands Protection Law and the Mississippi  
25 Coastal Program.

1           As a reminder, this is basically an update of  
2 the Coastal Program that has been in place since the  
3 eighties, hasn't been updated since then and NOAA, well,  
4 they have asked, but they have told us we have to do it.

5           It's just an update of those rules and  
6 regulations, and, then, adopting them into Title 22 and  
7 into the format that all of our other regulations are in.

8           COMMISSIONER GOLLOTT: Willa, can I ask you who  
9 told you that you had to do this?

10          WILLA BRANTLEY: NOAA. It was needed anyway  
11 because when it was originally written, we were the Bureau  
12 of Marine Resources under the Department of Wildlife,  
13 Fisheries and Parks, DEQ had a different name, and the  
14 Commission is not referred to as the Commission on Marine  
15 Resources. They are referred to as the Commission on  
16 wildlife something -- I don't even remember exactly, but  
17 there are a lot of updates that needed to be made and a  
18 lot of statutes that have changed, since the eighties. It  
19 was a needed update.

20          The Commission passed the Notice of Intent on  
21 July 17<sup>th</sup>, 2018, and it was filed with the Secretary of  
22 State on July 19<sup>th</sup>, 2018. That's a copy of the filing  
23 paperwork (indicating slide).

24          The Notice was placed on the DMR website, as you  
25 can see with the circle. That's the link, and, then, the

1 text is on the right, and there was a link at the bottom  
2 of the text on the right that took anyone who was  
3 interested to the full document. Of course, it's a very  
4 long document (indicating slide).

5 It was also placed in The Sun Herald for three  
6 consecutive weeks. This is the order confirmation and the  
7 text of the public notice and, again, there was a website  
8 listed in there where they could go and see the full text  
9 of the document (indicating slide).

10 Our Notice of Intent was, again, published on  
11 July 19<sup>th</sup>, 2018. The public comment period ran from then  
12 through August 20<sup>th</sup>, 2018, for a total of thirty-two days.

13 The Mississippi Secretary of State was the only  
14 entity that we received any comments from. They submitted  
15 comments with eight requested changes, and I will go over  
16 those changes that they requested.

17 One is that Secretary of State be included in  
18 the Coastal Program as a Coastal Program agency. They  
19 would be on the same level with the two offices at DEQ and  
20 Archives and History.

21 what that would mean was, if they did not  
22 approve of us issuing a permit and it was based on  
23 regulatory authority that the Secretary of State holds, we  
24 would be unable to issue that permit.

25 They also asked that we require that an

1 application include proof that a Tidelands lease has been  
2 applied for, or that it is not required, in order for us  
3 to call that application complete which starts our time  
4 clock for processing. We have ninety days from that  
5 point.

6 COMMISSIONER GOLLOTT: Willa, excuse me for  
7 interrupting.

8 WILLA BRANTLEY: Yes, sir.

9 COMMISSIONER GOLLOTT: On this particular point,  
10 that sounds like something coming from the Secretary of  
11 State's office that we prove that they have a Tidelands  
12 lease.

13 I'm sorry. I wasn't here in July, so I don't  
14 know anything about all of this.

15 This is coming from NOAA that wants us to have  
16 this in there?

17 WILLA BRANTLEY: No.

18 COMMISSIONER GOLLOTT: Or the Secretary of  
19 State?

20 WILLA BRANTLEY: These comments came from the  
21 Secretary of State. NOAA wants us to do an update. These  
22 are comments from the Secretary of State.

23 To jump ahead a little bit, we are actually not  
24 going to be proposing to add any of these, at this time.  
25 We just wanted to let you know what those comments were.

1           They also asked that we add a statement that the  
2 Coastal Preserve System designations will be coordinated  
3 between DMR and the Secretary of State.

4           They want us to remove reference to DEQ as a  
5 leasing agency in the Coastal wetlands Use Plan chapter.  
6 There is a statement that any leases of waterbottoms by  
7 DEQ and Secretary of State automatically become a Special  
8 Use District.

9           Apparently, they are saying that DEQ is no  
10 longer a leasing agency and they want us to update that.

11           They want to remove Tidelands leases from the  
12 list of State Agency actions subject to review.

13           They want us to add definitions of four terms  
14 that are not used at present in the document, but would be  
15 used, if we were to incorporate these changes.

16           Another change they want is to the proposed  
17 Chapter 8, Subsection 103.01. This is the current wording  
18 right now, and they want us to add the other one sentence  
19 which states:

20           “Use and failure of nonstructural, or  
21 sloping, rip-rap for three years must  
22 be demonstrated prior to request and  
23 approval of vertical face bulkhead, or  
24 other erosion control method.”

25           This is the chapter of requirements for



1 regulated activities.

2 If anybody wanted to do something different,  
3 they would have to come before the Commission to get a  
4 variance to that.

5 Again, we are not proposing that we accept  
6 these, at this time.

7 COMMISSIONER BOSARGE: I know, willa, and I have  
8 kind of echoed some of Commissioner Gollott's concerns.

9 I know that you are saying that you are not  
10 going to put this in, at this time, but I have serious  
11 issues with most of what they are asking for.

12 WILLA BRANTLEY: We have some issues with them,  
13 too. We are willing to discuss these changes with the  
14 Secretary of State's office, but we do have some  
15 reservations about some of them.

16 COMMISSIONER BOSARGE: What I remember,  
17 everything that we went over prior to this, it was a lot  
18 of change, but a lot of it was getting rid of duplication.

19 WILLA BRANTLEY: Right.

20 COMMISSIONER BOSARGE: And, then, doing some  
21 things that made sense. I don't recall all of it, but I  
22 remember going over it and everything that we did, I said,  
23 okay, that makes sense, that makes sense.

24 Then, I read some of this here, especially where  
25 it talks about bulkheads and if you don't place bulkheads

1 in a certain place and, to me, now you are almost telling  
2 somebody, okay, you can't put a bulkhead here, you've got  
3 to do this and, if you do this and it fails, it's on you.

4 WILLA BRANTLEY: Right, and that's one of our  
5 concerns.

6 COMMISSIONER GOLLOTT: Why are we listening to  
7 this, if we are not going to adopt it?

8 WILLA BRANTLEY: Well, we have to accept  
9 comments. We have to put it out on notice. We have to  
10 accept the comments. That doesn't mean that we have to  
11 consider -- I mean, we have to consider them. It doesn't  
12 mean we have to accept them, or propose them, and we are  
13 not, at this time, because the whole point of this change  
14 is a routine programmatic change to get those updates  
15 made, get the agency names updated, get the statutes  
16 incorporated that have been passed, make it more readable,  
17 make it flow in a better order.

18 Those are not substantive changes, as far as  
19 NOAA is concerned. They have two different levels.

20 There is a routine programmatic change which is  
21 what we are proposing which is just an update without  
22 changing the rules and regulations and procedures.

23 Then, there's a substantive change and all of  
24 those changes that I have gone over so far would be  
25 considered a substantive change. We would have to go

1 through a very extensive process for that. We are not  
2 proposing that, at this time. I just wanted y'all to be  
3 aware of the comments that were made.

4 And, again, this programmatic change is required  
5 by NOAA and was included as a necessary action item on our  
6 last program review.

7 we have our next program review actually coming  
8 up next week.

9 These Secretary of State changes would be  
10 considered and discussed at a later date, when we are  
11 ready to propose a substantive change to the program.  
12 That doesn't mean that we would recommend approval of  
13 those, or incorporation of those, but that we would sit  
14 down with the Secretary of State and discuss those  
15 potential changes and any ramifications that we think  
16 would occur.

17 COMMISSIONER BOSARGE: Director Spraggins.

18 JOE SPRAGGINS: Let me make sure I'm right on  
19 this.

20 The only thing you are asking for here is to  
21 make the little minor changes about the names and other  
22 things, but we are not saying that we are not going to  
23 listen to the Secretary of State; we are not going to say  
24 that we are looking at the what the Secretary of State  
25 asks. That is something that would take a long process to

1 change.

2 Is that what you are trying to tell me?

3 WILLA BRANTLEY: Yes, sir. That's correct.

4 JOE SPRAGGINS: This only takes just a minor  
5 thing of doing it right now, and it's over and done with?

6 WILLA BRANTLEY: Yes, sir.

7 JOE SPRAGGINS: But it is not going to eliminate  
8 six months from now if the Secretary of State wanted to  
9 put it in there and we agreed with them, we could do  
10 something, but it just has to go through a longer process.

11 Is that correct?

12 WILLA BRANTLEY: That's correct.

13 JOE SPRAGGINS: Jan, did you want to say  
14 something?

15 JAN BOYD: Yes, sir.

16 I just wanted to say that all these changes, or  
17 all these suggestions from the Secretary of State, would  
18 have to be approved by NOAA and the Commission, before  
19 they could be included in the document.

20 COMMISSIONER BOSARGE: Because what I remember,  
21 all the changes that you presented last time were  
22 commonsense things.

23 WILLA BRANTLEY: Yes. This is the first step to  
24 getting NOAA approval.

25 Once the Commission has approved those routine

1 programmatic changes, not including these that the  
2 Secretary of State has suggested, once you have approved  
3 those, then, we will submit it to NOAA for final adoption  
4 by NOAA.

5 COMMISSIONER BOSARGE: Okay.

6 WILLA BRANTLEY: The Coastal Program is our  
7 program for managing our resources that we are required to  
8 have, in order to get our grant from NOAA every year.

9 They have also asked us to add a statement that  
10 the Coastal Wetlands Use Plan Map is available online.  
11 This would fall under those routine programmatic changes.  
12 It would be something easy to do. However, currently the  
13 map is not available online.

14 We do have it digitized, but there are some  
15 updates that still need to be made. The map itself is a  
16 little confusing, so we haven't put it out available to  
17 the public right now. We are working with IT to get that  
18 updated and, once it is, we will put that out available  
19 for the public and we will ask to add a statement that it  
20 is available online.

21 What is required right now is a motion for final  
22 adoption of Title 22, Part 23 and, again, that's the  
23 format that it has been presented to you. It went out two  
24 months ago, and that format does not include these changes  
25 that Secretary of State has suggested.

1 COMMISSIONER BOSARGE: Any questions?

2 (No response.)

3 COMMISSIONER BOSARGE: Do we have a motion?

4 (No response.)

5 COMMISSIONER BOSARGE: I will make the motion  
6 for final adoption of Title 22, Part 23.

7 COMMISSIONER DANIELS: I will second that  
8 motion.

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 like sign.

14 (None opposed.)

15 COMMISSIONER BOSARGE: Motion carries.

16 WILLA BRANTLEY: Thank you.

17 COMMISSIONER BOSARGE: Thank you.

18 Next up is Office of Finance and Administration,  
19 Shavay.

20 It's nice to see you.

21 SHAVAY GAINES: Good morning Commissioners,  
22 Director Spraggins and Ms. Chesnut.

23 I'm Shavay Gaines, Finance Director, and I will  
24 be presenting the financials for the month ending August  
25 31<sup>st</sup>, 2018.

1           At the end of August our State Revenue was three  
2 point two million. The Total Agency Revenue was three  
3 point three million.

4           State Net Income was two point four million.  
5 The Agency Net Income was one point five million.

6           After two months of fiscal year 2019, we have  
7 ninety-five point one percent of the Operating Budget  
8 remaining and ninety-six percent of the Tidelands Budget  
9 remaining.

10           Are there any questions?

11           COMMISSIONER BOSARGE: Any questions?

12           (No response.)

13           COMMISSIONER BOSARGE: Thank you.

14           Next up is Public Affairs, Charmaine.

15           CHARMAINE SCHMERMUND: Good morning  
16 Commissioners, Director Spraggins, Ms. Chesnut.

17           The Mississippi Department of Marine Resources  
18 was mentioned twenty-four times in local, state and  
19 national media, since the August CMR meeting.

20           Popular news items included the reopening of  
21 Snapper season and National Heritage Area's work with eco-  
22 tourism projects.

23           Marine Patrol taught one boat-and-water safety  
24 class and certified five students. So far in fiscal year  
25 19, officers have taught six classes and certified one

1 hundred and six students.

2 Marine Patrol has also participated in Education  
3 Day at the Biloxi Shuckers baseball game, the Harrison  
4 County Youth Fishing Rodeo and Biloxi's annual Festival  
5 Against Crime.

6 Our agency also participated in various events  
7 in the community. Jason Rider gave a presentation on off-  
8 bottom aquaculture at Moss Point High School, and Jessica  
9 Rankin, in the Office of Marine Fisheries, demonstrated an  
10 oyster dissection to a zoology class at Harrison Central  
11 High School.

12 Marine Patrol, along with Public Affairs and  
13 volunteers from throughout the agency, took part in the  
14 Biloxi Seafood Festival September 8<sup>th</sup> and 9<sup>th</sup>.

15 In addition to having a Marine Patrol boat on  
16 display, we handed out our rules and regulations  
17 publication, fish ruler stickers, fish posters, items from  
18 the National Heritage Area and other informational pieces  
19 to the public.

20 Since the last CMR meeting, the agency's  
21 wellness Committee hosted a Health and wellness Fair where  
22 our agency, along with other groups in this building, were  
23 invited to attend the day-long event.

24 Marine Fisheries and Human Resources set up the  
25 Cookies for a Cure Bake Sale where proceeds were donated



1 to the American Cancer Society. This year a hundred and  
2 twenty-five dollars was donated to the organization,  
3 adding to a total of one thousand seven hundred and twelve  
4 dollars that has been donated by the MDMR to the American  
5 Cancer Society since 2013.

6 The Office of Marine Fisheries conducted the  
7 Seafood Plant and Shipping FDA evaluation which has,  
8 again, passed with the highest rating. This is a  
9 testament to the commitment that Ruth Posadas and her  
10 Seafood Technology staff have made to keeping our state's  
11 seafood safe for the consuming public.

12 The Seafood Technology Bureau conducted the  
13 Basic HACCP, Hazard Analysis and Critical Control Points,  
14 Training with twenty students, including one who traveled  
15 from the Netherlands to attend this valuable and required  
16 training.

17 Fisheries staff also participated in the  
18 following:

19 Jessica Rankin attended the Association of Food  
20 and Drug Officials workshop in Gatlinburg, Tennessee.

21 Carly Somerset and Trevor Moncrief attended the  
22 Gulf Red Snapper workshop in New Orleans.

23 COMMISSIONER BOSARGE: That's a lot going on.

24 CHARMAINE SCHMERMUND: A lot.

25 COMMISSIONER BOSARGE: I wanted to ask who did

1 that oyster dissection?

2 CHARMAINE SCHMERMUND: Jessica Rankin.

3 COMMISSIONER BOSARGE: That's good. I can only  
4 imagine that. That had to be interesting, an oyster  
5 dissection.

6 CHARMAINE SCHMERMUND: We get a lot of requests  
7 for those.

8 COMMISSIONER BOSARGE: Thank you.

9 Next up is Office of Marine Fisheries, Mr. Joe  
10 Jewell.

11 JOE JEWELL: Good morning Commissioners,  
12 Director Spraggins, counselor Chesnut.

13 I also would like to recognize our senators in  
14 the audience, Senator Seymour and Senator Dawkins. I know  
15 it's always not easy to make time during the day to come  
16 to these meetings, but we are awfully glad to have them.

17 I want to make the Commission aware of a few  
18 items, before we move into the Marine Fisheries agenda.

19 First, I want to give the Commission a brief  
20 shrimp season update.

21 We are currently right now at about five point  
22 four million pounds of landings. We traditionally have,  
23 at this point, about six point two million. That's our  
24 average. We are about seven hundred, or so, thousand  
25 pounds behind where we were last year, or the average for

1 the last few years, but we don't have a concern about that  
2 right now because we are just getting into the white  
3 shrimp season and we are expecting those landings and  
4 values to pick up shortly.

5 Next, I want to give the Commission a brief  
6 update on our Red Snapper season.

7 It was a relatively successful season. We were  
8 open for a total of seventy-six days. It opened on May  
9 the 25<sup>th</sup> and ran through September the 8<sup>th</sup>. We had a two-  
10 week break. It reopened September the 23<sup>rd</sup> and closed on  
11 September 17<sup>th</sup>.

12 We realized, at that point, we had not met the  
13 ACT, or the ACL. We reopened for Labor Day, but there was  
14 a lot of bad weather. I think, less than a hundred pounds  
15 were landed during that time. We are still, at that  
16 point, below ACT and ACL.

17 We reopened September the 14<sup>th</sup> through the 16<sup>th</sup>  
18 and we landed, raw data, a little over eleven thousand  
19 pounds.

20 Where we are now, the ACT was about a hundred  
21 and twenty-one thousand pounds and the ACL was a hundred  
22 and thirty-four, or so.

23 Today we have landed, in raw value, a hundred  
24 and seventeen thousand pounds, but we run it through that  
25 estimator formula that you get all contributions into the

1 system, and we have landed just over a hundred and twenty-  
2 nine thousand pounds. We are slightly over the ACT, but  
3 we are well under the ACL. Overall it was a very  
4 successful season.

5 We have got a minor event I want the Commission  
6 to be aware of. We have been working with Director  
7 Spraggins. It's a minor algae bloom. We didn't qualify  
8 it as a bloom. It runs from Deer Island as far as over to  
9 Broadwater, but this time of the year the conditions are  
10 right for those events to happen, and we have been  
11 monitoring that very carefully. If anything happens with  
12 that, we will certainly let y'all know.

13 The final thing that I want to update the  
14 Commission on is a faux pas on my part. I take  
15 responsibility for this.

16 Motion twelve at the August Commission meeting,  
17 we requested the Commission approve to take Title 22, Part  
18 20, out for Notice of Intent.

19 There was a delay on my part. Usually we file  
20 those Notice of Intents within a day, or two. There were  
21 so many regulatory activities that were occurring at that  
22 time that one slipped past me, and it wasn't filed until  
23 August the 30<sup>th</sup>. I will take responsibility for that.

24 COMMISSIONER BOSARGE: We are both getting old.

25 JOE JEWELL: We are. That's not like me. I

1 don't think that has ever happened to me in my career  
2 here, but it wasn't filed until August the 30<sup>th</sup>.

3 what that means is there is not twenty-five days  
4 between that filing and this meeting, so it couldn't be on  
5 this agenda. It has to be on the October agenda. I  
6 apologize for that.

7 I do want to say we have taken measures  
8 internally to prevent that from happening again.

9 JOE SPRAGGINS: Joe, one thing, too, just for  
10 the Commission's understanding, with the ACT and the ACL,  
11 there is really no way to open even one day, or half a  
12 day, or anything, without taking a chance of going over.

13 we are asking that we just cut the Snapper  
14 season for the year out at this time.

15 Is that correct?

16 JOE JEWELL: That's correct.

17 The ACT was a hundred and twenty-one thousand  
18 pounds and we at a hundred and twenty-nine.

19 The ACL was at one hundred and thirty-five and  
20 one day, or so, would clearly make us go over the ACL.

21 we are managing to the ACT. We have exceeded  
22 the ACT. We are absolutely not leaving anything on the  
23 table. We have actually exceeded that. That's correct.

24 Are there any other questions?

25 (No response.)

1           JOE JEWELL: If not, we are going to move right  
2 into the Marine Fisheries agenda.

3           I want to make just one comment before we get  
4 started. We have a pretty laborious agenda to go through  
5 and we have a lot of representatives in the audience, both  
6 commercial and recreational. A lot of groups are  
7 represented here.

8           I want to compliment them for how well they  
9 conducted themselves at the public hearing, and I expect  
10 that they will do the same here at this Commission  
11 meeting.

12           With no more delay, I'm going to introduce Ms.  
13 Ruth Posadas. She is going to give a presentation on the  
14 depuration process that we have been looking forward to  
15 for the past three, or four, months. We are excited about  
16 Ruth giving that presentation.

17           COMMISSIONER BOSARGE: We are glad to have you,  
18 Ms. Ruth, and we are not going to put you off again.

19           RUTH POSADAS: Good morning Commissioners. Good  
20 morning Director Spraggins and Sandy.

21           We have a lot on the agenda for Fisheries. This  
22 will be quick.

23           The background of this presentation was that the  
24 Commission had approved, in the May meeting, a motion for  
25 DMR to come back with recommendations to develop a program

1 for a depuration facility and to develop a feasibility  
2 study, a cost analysis and a funding source.

3 The needed actions are to develop an Oyster  
4 Depuration Program, develop a feasibility study, present a  
5 cost analysis and find a funding source.

6 Before we do that, we just have a background of  
7 the process we have at present in Mississippi and the  
8 products that we have.

9 The two processes that we have, as we harvest  
10 the resource, we have the regular process that will  
11 produce the shucked product, shellstock product, and,  
12 then, we have the post-harvest process that will produce  
13 the irradiated because we have the irradiation post-  
14 harvest process available to us and the IQF.

15 If we do this depuration process, there is  
16 another process and it will produce the depurated product.

17 In other states there are other options,  
18 processing options which are wet storage which we don't  
19 have, they have high hydrostatic pressure as part of the  
20 post-harvest process, and they have pasteurization.

21 The Oyster Depuration Program needs a lot. We  
22 need to have new regulations to build the program, and we  
23 need to have site selection that would provide water and  
24 resource and also technology.

25 It also needs a facility. In a facility, you

1 have plant design, construction, equipment and operating  
2 system.

3 In any business concern, there has to be labor  
4 and expertise for management and trained manpower that is  
5 needed for that program.

6 The utilities have to be there, the power and  
7 potable water.

8 The laboratory. This is very important because,  
9 in a depuration operation, laboratory needs is almost in  
10 every stage of the process.

11 Then, we have regulatory concerns which an  
12 inspector has to be trained to do the inspection. Permits  
13 and licenses and certifications have to be done.

14 Then, for the dealer, or whoever is doing the  
15 business, a feasibility study has to be done to see if it  
16 is profitable.

17 The Commission asked us to see, in Jackson  
18 County, if it is feasible to have the depuration facility  
19 over there.

20 Jackson County has the available water, has  
21 available technology, but we have limited expertise.

22 Jackson County also has a private and state  
23 laboratory available. We have limited manpower and  
24 limited resource.

25 The limited resource. In 2017, the survey of



1 the available oysters in Jackson County was thirty-seven  
2 thousand five hundred eighty-eight sacks in Area VI.

3 Those are the legal size oysters that can be harvested.

4 This is a short cut for the facility operation.

5 In a depuration plant, there is the receiving  
6 and washing of the oysters.

7 Then, it is placed in a depuration plant wherein  
8 they use an ultra violet sterilizer which is the cheapest  
9 of the three depuration plant processes that are being  
10 used in the market today.

11 After forty-two to seventy-eight hours -- it  
12 depends on whoever is doing it -- they harvest and package  
13 the oysters, and they store it, or freeze it, and, then,  
14 they market and transport it.

15 The standards for depuration which a depuration  
16 plant has to monitor are the flow rate of the water, the  
17 volume of the water, the salinity of the water, the  
18 turbidity of the water, the pH, the temperature, the  
19 dissolved oxygen and the bacteriological component in the  
20 water. They have to check every day what bacteriological  
21 content is in the meat of the oysters.

22 The ISSC has set the standard that the minimum  
23 depuration time should not be less than forty-four hours.

24 For those that are not depurated, if it will  
25 last more than two days, the oysters will start to die.

1           COMMISSIONER GOLLOTT: Clarify that, Ms. Ruth.  
2 I didn't understand that.

3           what happens?

4           RUTH POSADAS: The oysters, they have observed  
5 that if they are under depuration for more than two days,  
6 the oysters start to die because they are not eating.

7           COMMISSIONER GOLLOTT: I needed to be clarified  
8 on that.

9           RUTH POSADAS: They are not eating, so they  
10 start dying. The mortality increases.

11           There are facilities, especially in Europe, or  
12 here in the United States there are three oyster  
13 depuration plants. If they extend their depuration time,  
14 the oysters start to die.

15           JOE JEWELL: Commissioner Gollott, these are not  
16 wet depuration like what you are familiar with out in the  
17 environment. These are in a facility. They don't tend to  
18 actively feed, or feed as much as they would in a natural  
19 environment, and there is some mortality. The longer you  
20 keep them in there, the greater the mortality.

21           COMMISSIONER GOLLOTT: We are looking at what,  
22 forty-eight hours?

23           JOE JEWELL: They have to be turned over pretty  
24 quickly.

25           COMMISSIONER GOLLOTT: I'm surprised because

1 most oysters will live for days outside of a sack in dry  
2 conditions.

3 RUTH POSADAS: Yes, they do. It's not the total  
4 mortality. They just start dying.

5 COMMISSIONER GOLLOTT: Okay.

6 RUTH POSADAS: In some experiments that have  
7 been done, they have held them, like, four days, but the  
8 mortality is high, so it's not going to be profitable for  
9 anybody who is doing that depuration of the oysters  
10 because it is so expensive to do it.

11 The regulatory requirements. As a regulatory  
12 authority for oysters here in Mississippi, DMR must have  
13 the license for those who are going to do it.

14 The Department of Agriculture and Commerce gives  
15 the permit for aquaculture because depuration is part of  
16 the aquaculture process.

17 Then, DMR will also give certification for the  
18 dealer, or whoever is doing the depuration.

19 The dealer will also have to have a depuration  
20 plant operations manual.

21 If they buy their oysters, or they sell their  
22 oysters, depurated oysters, out of the state, the dealer  
23 will have to have a Memorandum of Agreement. The  
24 Mississippi authority would have to have a Memorandum of  
25 Agreement with that state. It is a control to monitor the

1 oysters that are being transported in and out between  
2 those two states.

3 Then, the laboratory to analyze bacteriological  
4 contents of the water and end produce testing is also  
5 monitored by FDA and we also have to monitor them.

6 Those are the requirements, regulatory  
7 requirements for the dealer.

8 Now, for the feasibility study, they will have  
9 to be contracted to conduct an economic feasibility of a  
10 depuration plant in Jackson County, with cost analysis on  
11 the specific requirements of a depuration plant.

12 We can't do it. We don't have the experts, but  
13 we can ask somebody to do it, if there is an interest in  
14 that.

15 The potential funding sources that we have  
16 found, if there is a feasibility study, it can be proposed  
17 for Tideland's Funds, or BP Restore Funds.

18 For the labor part, I found that to partner with  
19 colleges, or universities, that we have on the Coast to  
20 get Federal funding from the Department of Labor and  
21 Department of Education under the Mandated Workforce  
22 Innovation and Opportunity Act.

23 There is funding that can help workers as they  
24 go to school and they work in the facility.

25 Also, another source would be to collaborate

1 with the private sector and the local government. There  
2 are a lot of depuration plants that are under a  
3 cooperative, or something like that.

4 Then, there is the Saltonstall-Kennedy Grant  
5 which addresses the needs of the fishing communities.

6 If there is anybody that is interested,  
7 especially the private sector, they can propose and use  
8 it.

9 I think that is all that I have for you.

10 COMMISSIONER BOSARGE: Commissioner Gollott.

11 COMMISSIONER GOLLOTT: Some of these answers  
12 totally surprised me. I did offshore depuration and it  
13 was very feasible. I made money with it.

14 The one kicker that I heard is that they start  
15 dying in forty-eight hours.

16 Do you have a percentage per day that they will  
17 die, if they don't depurate?

18 RUTH POSADAS: The numbers that I have seen,  
19 from what I have read, differ. It depends on their  
20 environmental parameters because most of those that are  
21 doing this depuration -- one is in Maine which is a cold  
22 area and another is in California, and maybe the UK and in  
23 Spain and in Portugal -- they also have it in cold areas  
24 and you have different parameters.

25 COMMISSIONER BOSARGE: Dr. Paul Mickle had his

1 hand up to make a comment.

2 PAUL MICKLE: Thank you, Chairman.

3 I just want to provide extra information with  
4 Ruth's presentation.

5 Your question, Commissioner Gollott, is directly  
6 relatable to the temperature at which your oyster is  
7 harvested, or removed, from the Sound, and, then, again,  
8 the stress level.

9 As y'all know, if y'all worked oysters the last  
10 couple of years, not this year, but the prior year and the  
11 prior year before that, our salinity in the Mississippi  
12 Sound was so low the oysters were quite stressed and we  
13 saw that. They looked clear and swollen. They were  
14 osmotically under stress.

15 It depends on that, as well, what condition they  
16 are when you are taking them out, but you can feed in an  
17 artificial environment. Everyone does it. It just  
18 increases your production costs, or your operation costs.

19 You can pretty much get around almost anything  
20 in aquaculture with the amount of money, but, again, it  
21 affects your business.

22 COMMISSIONER GOLLOTT: I was thinking -- I might  
23 be totally wrong -- about the Jackson County oyster reef  
24 over there, and we are looking at one point six five  
25 million dollars a year, if we could do this by just

1 harvesting the thirty-three thousand, and that's at fifty  
2 dollars a sack and that is almost half price of what they  
3 were bringing last year.

4 I would like to see us study it a little bit  
5 further to be able to get the rest of the information.

6 To me, it would be an interesting industry. I  
7 know I had a friend in Louisiana that was doing this, but  
8 they caught him cheating, so they kicked him out of the  
9 business, and I can't go to him and ask him was it  
10 feasible.

11 It looks like it would be a feasible business to  
12 me. I don't know.

13 I know offshore will be very feasible, but that  
14 takes a whole different kind of equipment. That takes  
15 barges and racks and stuff like that.

16 RUTH POSADAS: Sir, if you put them in an  
17 artificial environment in the plant, if we get our oysters  
18 from eighty degrees water, or ninety degrees water, the  
19 temperature in the tank has to be lower than sixty degrees  
20 so that they will not spawn. The difference of the  
21 salinity will also give them stress.

22 COMMISSIONER GOLLOTT: Chilling the water is not  
23 a big deal. We have chillers all the time.

24 I don't know. Just a lot of questions need to  
25 be answered.

1           One of my questions is why hasn't someone in the  
2 Gulf done this already, since it is becoming a bigger  
3 problem as we go.

4           Like I say, I would like to see a lot of these  
5 questions answered because I believe it can be a feasible  
6 industry for Mississippi and our oyster fishermen.

7           RUTH POSADAS: The Gulf Coast Research Lab would  
8 probably be interested.

9           COMMISSIONER GOLLOTT: That's who helped me when  
10 I was doing the offshore depuration was the Gulf Coast  
11 Research Laboratory.

12           COMMISSIONER BOSARGE: Ms. Ruth, do they have  
13 any general guidelines as to what it costs per hundred  
14 gallons, or however they measure it, to do this depuration  
15 process?

16           RUTH POSADAS: I haven't seen any. I haven't  
17 seen the actual -- every area is different. I know that  
18 sometime in the 1980's, a full depuration plant already  
19 cost over a million dollars.

20           COMMISSIONER BOSARGE: You named several sources  
21 of funding.

22           would it be possible, Joe -- I know the  
23 Saltonstall-Kennedy, SK funds, they are there. It seems  
24 like they are very hard to reach, but would it be a  
25 possibility?



1 I mean, we can't go much further without a  
2 feasibility study to determine if it is feasible.

3 would it be possible to look at who does this,  
4 who would be instructed to do this?

5 JOE JEWELL: You are looking at two people that  
6 have actually written Saltonstall-Kennedy Grants, SK  
7 Grants. They are quite technical and they are quite  
8 difficult to get funded.

9 Dr. Mickle, he has actually written a grant that  
10 was funded. I have written two of them, in my career here  
11 at the DMR, and neither one of those were funded.

12 It is possible to apply for grant funding and to  
13 see where we could go with that, if the Commission wants  
14 us to proceed with that.

15 COMMISSIONER GOLLOTT: Couple of questions.

16 First of all, where was the plant that had run  
17 over a million dollars and what was their capacity?

18 Do you have any idea, Ruth?

19 RUTH POSADAS: It's not in here, sir (indicating  
20 document).

21 I can give you the article that I read. I can  
22 provide it to you.

23 COMMISSIONER GOLLOTT: Okay.

24 I would like to make a motion that we pursue  
25 this. I think it would be a worthwhile development, if we

1 can get it going in Mississippi.

2 If we don't do something, we are fighting a  
3 losing battle with these oysters. I think we just need to  
4 do something drastic and, to me, this would be a feasible  
5 way to go.

6 We might want to look at both, offshore and  
7 onshore, and see which would be more feasible.

8 RUTH POSADAS: The one in California, they use  
9 their natural -- they select a bay where they bring the  
10 oysters there to be depurated.

11 COMMISSIONER BOSARGE: If I understand your  
12 motion correctly, your motion will be to pursue funding to  
13 do a feasibility study?

14 COMMISSIONER GOLLOTT: That's my motion.

15 JOE JEWELL: He think he said to pursue funds  
16 for a feasibility study both offshore and on shore.

17 Is that correct?

18 COMMISSIONER GOLLOTT: See which would be the  
19 most feasible, yes.

20 COMMISSIONER BOSARGE: I guess it comes to the  
21 same thing, look at the funding alternatives for the  
22 oyster depuration.

23 We have a motion on the floor.

24 Do we have a second for that motion?

25 COMMISSIONER HAVARD: Mr. Chairman, I will

1 second that motion.

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

4 Any further discussion?

5 (No response.)

6 COMMISSIONER BOSARGE: All those in favor aye.

7 (All in favor.)

8 COMMISSIONER BOSARGE: Opposed like sign.

9 (None opposed.)

10 COMMISSIONER BOSARGE: Motion carries.

11 Thank you, Ms. Ruth.

12 I guess, Joe, this will fall on Dr. Mickle's  
13 feet?

14 JOE JEWELL: Yes. We definitely have to call on  
15 his expertise because a feasibility study is going to have  
16 to incorporate several things. We are looking at both  
17 onshore and offshore.

18 He will have to look at source funding, funding  
19 for the facility, resource availability, a lot of the  
20 technical background. It will have to include a lot of  
21 that, so we definitely will rely on Dr. Mickle for  
22 assistance with that.

23 COMMISSIONER GOLLOTT: Dr. Mickle, does this  
24 excite you, get you going?

25 PAUL MICKLE: Yes. I get excited about

1 everything that y'all do.

2 I really want to emphasize that the need for a  
3 large resource in restricted, or prohibited, waters is  
4 kind of what we are looking at here.

5 Quote me if I'm wrong, Joe, but there is not a  
6 whole lot of sampling that is done to look at what oysters  
7 we have in certain areas because we have limited resources  
8 within the agency.

9 when oyster season comes around, Marine  
10 Fisheries expends just about everything they possibly have  
11 in man and woman power to do really good sampling.

12 we have some of the best samples, densities in  
13 the Gulf of Mexico, but we really need to focus in on  
14 where the facility needs to be, where it can be most  
15 successful.

16 we have seen a lot of facilities nationwide fail  
17 because they were put in wrong places.

18 The feasibility study, if I can be as successful  
19 as I can for y'all, will be quite intricate in location  
20 and also resource and all those different things that  
21 actually a feasibility study, in my opinion, should have.

22 COMMISSIONER BOSARGE: So you are going to have  
23 to set those parameters for your study, I guess, is what  
24 you are saying?

25 PAUL MICKLE: I will most likely come back to

1    you for a little b

1 Commission requested for update on Spotted Seatrout  
2 Endorsement to include charter-for-hire information.

3 MATT HILL: Good morning Commissioners, Director  
4 Spraggins, and Sandy.

5 This morning we are going to revisit  
6 qualifications concerning Title 22, Part 7, Chapter 9,  
7 Spotted Seatrout Endorsement.

8 A little bit of background.

9 On August 21<sup>st</sup>, the CMR passed a motion to  
10 withdraw the original Notice of Intent, concerning this  
11 issue.

12 Additionally, at this meeting, the CMR made a  
13 motion for staff to prepare language addressing charter-  
14 for-hire industry Spotted Seatrout endorsement  
15 qualifications.

16 I'm not going to take a lot of time on this  
17 slide, as we have presented it twice already. This is the  
18 exact language that was sent for the Notice of Intent and  
19 was withdrawn at the last meeting. I feel like we will  
20 come back to this slide, before the presentation is over.

21 Nothing has changed in this, but this language  
22 has been withdrawn.

23 The motion was made, at that point, to prepare  
24 language allowing charter for-hire income be used in  
25 qualifying for the Spotted Seatrout Endorsement.

1           The staff has prepared this language for the  
2 Commission's consideration. This language will be placed  
3 in Part 7, Chapter 9, Section 110, and I will go ahead and  
4 read this for the record.

5           "Charter For-Hire Income Consideration.

6           "Charter for-hire owners/operators shall be  
7 allowed to use income from charter for-hire  
8 activities to qualify for the Spotted Seatrout  
9 endorsement.

10          "For the 2019 fishing season, the fisher  
11 must present documentation that a minimum  
12 of twenty percent of their taxable income  
13 came from charter for-hire and/or  
14 commercial fishing activities in a previous  
15 tax year between 2013 through 2018.

16          "Documentation shall be a copy of the  
17 appropriate filed IRS tax form showing  
18 the applicant's taxable income for one  
19 of those years.

20          "A Marine Fisheries Trip Ticket officer  
21 will determine the income derived from  
22 Charter for-hire activities, then run a  
23 commercial sales summary for the year  
24 chosen using the trip tickets to determine  
25 if the eligibility requirement has been

1 met.

2 "This endorsement will be valid for a  
3 one-year period, at which time a new  
4 application with qualifying documents  
5 for the previous tax year shall be  
6 submitted for a new endorsement.

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

10 "In the event of a hardship approved by  
11 the Commission, the department may  
12 consider qualifying documents for the  
13 two years prior to the onset of the  
14 hardship."

15 I would like to request that we stop right here  
16 for the opportunity of discussion of this language because  
17 this was the motion that was made for the staff to bring  
18 this particular language forward.

19 COMMISSIONER BOSARGE: We had a lot of  
20 discussion on this issue at the last meeting and, since  
21 then, there has been a lot of discussion with me with  
22 different people about this.

23 There is a part of me that says, yes, these guys  
24 are fishing guides. They go out. They fish. That's  
25 their income. It should be able to be used to qualify.



1           Then, the other side of that, as Joe said, never  
2 before has charter for-hire been considered commercial.

3           Now, there are some groups that would love to  
4 see them do that because it takes them out of the  
5 recreational side, but I have to wonder -- there are a  
6 bunch of logistical things in here. I have to wonder what  
7 kind of precedence we may set, if we do this.

8           When I say that, I don't have to tell you, Matt.  
9 You know exactly what I'm talking about. When we start  
10 mixing recreational and commercial, here's the problem.

11           Me, I'm thinking, okay. Surely, yes, these  
12 guys, in my mind, should be able to use this to quality,  
13 but, then, again, at the same time, we can't do it that  
14 way because they have always been considered recreational  
15 because they are taking recreational people out to fish,  
16 even though it's a business for them.

17           Commissioner Daniels, you chime in any time you  
18 want.

19           I would rather almost see -- if we are going to  
20 do this and use that income to qualify, I don't think it  
21 should be carved out of the commercial side and be part of  
22 the commercial side.

23           Do you see what I'm saying?

24           Simply because of the precedence setting, we  
25 don't need to go there.

1 Joe, do you see where I'm coming from?

2 COMMISSIONER GOLLOTT: Mr. Chairman, let me say  
3 this.

4 COMMISSIONER BOSARGE: Yes, sir.

5 COMMISSIONER GOLLOTT: The reason for this  
6 endorsement was to separate the commercial from the  
7 recreational. If we leave charter boats in recreational,  
8 we don't have a problem with the limits, or anything.

9 The commercial people should really be able to  
10 charter these boats year round and take these people  
11 recreational fishing.

12 I'm not in favor of moving this into commercial  
13 and cutting into the commercial people's quota.

14 COMMISSIONER BOSARGE: And that's what I say. I  
15 wonder if we don't almost -- you know, we had a lot of  
16 discussion last time.

17 I can only imagine from Chief Davis, his  
18 perspective because we talked about some of the  
19 enforcement issues and how that would work.

20 I think we need to do a whole lot more thinking  
21 and talking and trying to figure out the best way forward,  
22 before we move on.

23 I'm going to give you a chance to respond.

24 COMMISSIONER DANIELS: There are a lot of valid  
25 points here.

1           One of the statements, I think, from what you  
2 are saying, can a commercial fisherman use the money that  
3 he has made doing that by recreational license?

4           COMMISSIONER BOSARGE: Yes.

5           COMMISSIONER DANIELS: It goes both ways.  
6 You've got a charter boat that runs recreational. Whether  
7 they get approved for this endorsement, or not, they can  
8 still go buy a commercial license and fish Red Fish and  
9 Sheepshead.

10          It is already legal for them to get that  
11 commercial license. I just want them to have the ability  
12 to be able fish speckled trout as well.

13          COMMISSIONER BOSARGE: And I agree, but the  
14 problem is taking recreational landings income and  
15 applying it towards a commercial permit.

16          COMMISSIONER GOLLOTT: It really didn't start  
17 out to be this way, the reason for the endorsement.

18          Now, the charter boat people taking the fish and  
19 selling them, that's a whole different ball game.

20          COMMISSIONER BOSARGE: And that's where I'm sure  
21 with enforcement, he is sitting there thinking, okay, now  
22 how am I going to figure out -- just like that guy that's  
23 got his commercial hook-and-line license, how am I going  
24 to figure out if the fish he caught were caught while he  
25 was using his commercial hook-and-line license, or while

1 he was on his charter boat.

2           Anyhow, there are a lot of things here we need  
3 to -- I'm almost wondering if it wouldn't be better, if we  
4 are going to do this, to carve this out of the  
5 recreational side.

6           You see what I'm saying?

7           In other words, I think it would fit better.

8           MATT HILL: One of our staff, one of our senior  
9 staff actually made this comment to me yesterday, when we  
10 had a small meeting about this, and I have been trying to  
11 convey some of the things to Joe to where I feel like,  
12 when we are starting to go back to the Trip Ticket System  
13 which the charter for-hire industry is not required to do,  
14 that when we start going down this road, we are actually  
15 making it, in my opinion, more difficult for the  
16 commercial fishermen to qualify for the endorsement than  
17 we are for the charter for-hire to qualify for the  
18 endorsement.

19           The commercial fisherman must show that he  
20 landed these fish commercially and he sold these fish  
21 commercially through the Trip Ticket system.

22           The charter for-hire doesn't necessarily have to  
23 catch any fish. He is paying for an experience. He is  
24 paying for a sunset cruise that could be part of his  
25 charter income, a day of just taking people to the island.

1           There is nothing tied to the actual harvest of  
2 seafood, when you are dealing with the charter for-hire.

3           Now, ninety percent of these trips they do  
4 harvest fish. They are very good fishermen, some of the  
5 best fishermen we have in the Gulf of Mexico absolutely,  
6 but we have no way of tying the amount of seafood they  
7 actually harvested to this endorsement.

8           It's just charter for-hire activities which  
9 covers not just fishing. There are many different things  
10 that that covers.

11           Once we start looking at that income, it does  
12 become very difficult for us to distinguish between  
13 whether they were just taking someone to the island, they  
14 were just charter to drop someone off at Chandelier and  
15 come pick them up.

16           All these things, when you look at your tax  
17 forms -- Commissioner Havard can correct me -- those all  
18 would apply under the charter for-hire income. It has  
19 nothing necessarily to do with the amount of seafood that  
20 was harvested.

21           whereas, the commercial fisherman, he is going  
22 to have to come in here and we are going to look in the  
23 Trip Ticket system and we are going to see how much  
24 seafood he harvested and he sold. It doesn't matter what  
25 it says on his tax form. We are going to know. We are

1 going to have a true number and, guess, once that was  
2 said to me, that was a big rub with me.

3 I don't have a big issue with using this income.  
4 I do have an issue with I think that it allows a  
5 recreational fisherman -- although he is charter for-hire,  
6 he is in the recreational sector -- an easier path to  
7 acquire the endorsement than it does a true commercial  
8 fisherman.

9 That's the way I'm starting to -- once we  
10 started having some of these conversations, that's a  
11 point. I guess I get stuck in the box sometimes because I  
12 look at it so much, and the people outside the box have a  
13 few other ideas and, when I started to think about it like  
14 that, I did begin to have some doubts and a few more  
15 issues with it.

16 COMMISSIONER GOLLOTT: Matt, I have a question  
17 for you.

18 MATT HILL: Yes, sir.

19 COMMISSIONER GOLLOTT: To me, Tails n' Scales --  
20 I'm just using that. I understand you can't do it that  
21 way, but Tails n' Scales would include everybody. It  
22 would include the recreational fishermen, too, because you  
23 are trying to find out how many speckled trout were  
24 landed. It has nothing to do with how much money, or  
25 anything like that.

1           The only reason that this endorsement is with  
2 money is to make sure that the commercial people that are  
3 selling these fish are really commercial fishermen and  
4 they are not just using this as a sideline, or income tax  
5 writeoff.

6           I think we are really trying to make more out of  
7 this than what is really here.

8           COMMISSIONER HAVARD: Matt, it is going to show  
9 on your tax return. It will either show a K-1, or a 1099,  
10 and a dollar figure. That's all it is going to show.

11          MATT HILL: Yes, sir.

12          COMMISSIONER HAVARD: It is not going to show  
13 you sold X number of Sheepshead, X number of shrimp. It  
14 is not going to specify what you caught.

15          It is going to say it came from this entity, or  
16 you get issued a 1099 with the dollar amount coming from  
17 seafood, and you are going to have to be the judge of what  
18 is considered seafood. I think that is where you are  
19 going to find the trouble.

20          MATT HILL: That's the trouble, and I hate to be  
21 just completely blunt about it, but, if you have a charter  
22 fisherman, or charter for-hire fisherman, who may not be a  
23 very successful fisherman, but he is still able to take  
24 fifteen to twenty trips in a year and he has possibly a  
25 second job, but doesn't have a very good income, well, he

1 is going to be allowed to qualify for something that a  
2 commercial fisherman is going to have to show us that he  
3 is a successful commercial fisherman. He is able to catch  
4 other species besides Spotted Seatrout. We have a record  
5 of what he sold. That tax form is not going to show me  
6 exactly what that charter for-hire captain, or owner, is  
7 capable of doing.

8 I hate to get it into these classes of  
9 capability of fishing, but, when we are dealing with a  
10 quota species like this, I think that's where we are going  
11 to have to get the numbers down to where it is a  
12 profitable fishery for the fishermen, the actual true  
13 commercial fishermen that can prove to us, through the  
14 system.

15 There are some options that we are going to  
16 present next month. I asked for two months, at the last  
17 meeting. We are going to start presenting some options on  
18 specifically Spotted Seatrout catch, but we do get caught  
19 up on that.

20 when we are talking about twenty percent, it is  
21 all seafood, but we are going to ask the charter for-hire  
22 industry to help us with one portion of this with some  
23 verification and some reporting.

24 COMMISSIONER BOSARGE: And that's where I see  
25 this. If we could maybe get the charter for-hire -- I



1 know in other states, they report their catch.

2 MATT HILL: Yes.

3 COMMISSIONER BOSARGE: Now, maybe once we get to  
4 that point, we can maybe look at what those landings are,  
5 and, then, know where that was income derived from .

6 COMMISSIONER HAVARD: Matt, it seems like there  
7 are too many issues for this. We might want to table this  
8 to a later date and see if we can't iron out some of these  
9 details.

10 MATT HILL: That's one option that we do have  
11 with the language that we did out for Notice of Intent.  
12 If it's something that we would like to get on the books  
13 for the commercial fishermen, we can do that and table  
14 this portion, or the Commission has the option to table  
15 the whole thing, and, then, we would go back to what is  
16 currently on the books, the ten percent, or five thousand  
17 dollars.

18 JOE JEWELL: Go back to the previous slide,  
19 Matt.

20 what Matt is saying is that the Commission has  
21 several options. You absolutely can table it and consider  
22 it at a later date, when more information is available,  
23 but the Commission directed us, in the original Notice of  
24 Intent that we withdrew, to provide a mechanism to account  
25 for strictly the commercial fishermen in there to sort of

1 limit the way you qualify for it, and that is the language  
2 that is here.

3 Now, the Commission can vote to go back out for  
4 Notice of Intent for that, or the Commission can vote to  
5 proceed with the Notice of Intent with the charter for-  
6 hire information in there, or to table it, as Commissioner  
7 Havard just pointed out. There are three options that are  
8 available for you.

9 This option right here will proceed with what  
10 the original intent of the Commission was.

11 COMMISSIONER DANIELS: Matt, the stuff that you  
12 said you are going to release next month, am I  
13 understanding that would possibly shed some other  
14 opportunities, or other ways, to look at this?

15 MATT HILL: Yes.

16 It is going to be complicated. I will tell you  
17 that, but there is something that we are considering and  
18 we would like, especially for the charter for-hire  
19 industry, with some reporting, showing some catch, maybe  
20 not all species, but we really want to sit down through  
21 the task force and we would like to begin to present this  
22 next month to start getting at the issues that have been  
23 brought up about Spotted Seatrout.

24 when I start thinking about it and, if we are  
25 going to try to continue to do things like this the way we

1 are going to -- because this won't be the only program, I  
2 mean, in the future. We have to start looking five, or  
3 ten, years down the road. We are always going to have  
4 something like this.

5 If we can get the charter for-hire industry  
6 onboard to do some mandatory reporting and see how it is  
7 easiest for them to do, whether it's through the app, or  
8 whether it's through paper.

9 I mean, I'm not sold on any way, shape, or form,  
10 currently, but, with the Spotted Seatrout issue and with  
11 issues like this, I think our best option is to begin to  
12 get the charter for-hire industry onboard with some type  
13 of mandatory reporting.

14 The captains we have talked to, I think there  
15 will be discussions on the submittal of the data. There  
16 are some details to be ironed out, but we are planning on  
17 presenting that, along with some methods for the general  
18 population when it just becomes the Spotted Seatrout, but,  
19 when we are looking at the charter for-hire industry, I  
20 think we need to look beyond Spotted Seatrout so, when we  
21 are starting to qualify for programs like this, disaster  
22 programs and things, then, I can look on those forms and I  
23 can say that this percentage wasn't a sunset cruise, or  
24 wasn't somebody, this was taking -- he harvested seafood  
25 and I will have something to show for that industry.

1           COMMISSIONER DANIELS:  Would we be okay with  
2 waiting until we see this?

3           It will be until after the first of the year,  
4 before this would really affect anybody.

5           MATT HILL:  We are pushing a deadline, like I  
6 said.  I keep kicking the can a little bit down the road,  
7 but the final adoption for any of this would need to take  
8 place in January.

9           COMMISSIONER BOSARGE:  If I understand you  
10 correctly, the things that you are going to bring forth in  
11 the next couple of meetings really don't have anything to  
12 do with the original intent of our motion which was the  
13 commercial.  So we could proceed forward with that part of  
14 it.

15          MATT HILL:  Yes.

16          COMMISSIONER BOSARGE:  Then, after you bring  
17 back more information, we could look at what we may could  
18 do on the other side?

19          MATT HILL:  Yes.  You would go back to the  
20 original language that we submitted to the Secretary of  
21 State, and this is the language that was withdrawn, that  
22 was agreed upon in this Commission.  We went for Notice of  
23 Intent and we withdrew it, so we did not go through the  
24 final adoption to consider some charter for-hire language.

25          This was the charter for-hire language which, I

1 believe, in the future may work. Currently, I do not  
2 believe this will work with the system that we have. I  
3 think it is something that we can all work through  
4 together, but the original intent was to reduce the  
5 spotted Seatrout endorsements by a pretty significant  
6 amount and this is what we feel like will do that as this  
7 was originally presented.

8 COMMISSIONER BOSARGE: Right now, if you need a  
9 motion for this, it would be a motion for Notice of  
10 Intent, or motion for adoption?

11 MATT HILL: We would have to go back for a  
12 Notice of Intent of regulatory changes to Title 22, Part  
13 7, Section 110, modifying the requirements for a Spotted  
14 Seatrout endorsement, but you are going to have to specify  
15 exactly which language.

16 would you like to put the language out that was  
17 in the original Notice of Intent?

18 JOE JEWELL: That was just for commercial.

19 MATT HILL: And that was strictly for the  
20 commercial.

21 COMMISSIONER BOSARGE: I think that is kind of  
22 where we need to go simply because we are running out of  
23 time.

24 MATT HILL: I don't want to speak out of turn,  
25 Sandy.

1 SANDY CHESNUT: That's right. You need a motion  
2 for Notice of Intent. Actually, you could just say for  
3 the language that was withdrawn last month, so that it is  
4 clear that we are not talking about the new language, but  
5 it is the withdrawn language.

6 COMMISSIONER GOLLOTT: Excuse me.

7 MATT HILL: Yes, sir.

8 COMMISSIONER GOLLOTT: will you backup a slide,  
9 or two?

10 Our language now is earned income, isn't it?

11 MATT HILL: No. It's taxable income.

12 COMMISSIONER GOLLOTT: Taxable income?

13 MATT HILL: Right now, it's earned income.

14 I might get Commissioner Havard to help me. We  
15 went to taxable income because we believe that is the  
16 least restrictive income that is actually on your tax  
17 form.

18 COMMISSIONER GOLLOTT: The reason for the earned  
19 income was to let people that are retired, all the people  
20 that are retired and want to do this on the side to let  
21 them do it without interfering with them qualifying.

22 will that disqualify them?

23 COMMISSIONER BOSARGE: No. Actually it helps  
24 them.

25 MATT HILL: Some of the retirement is still

1 under taxable. All of the earned would still be taxable  
2 and your retirement was all taxable. Under the taxable,  
3 only a portion of it is.

4 It is our understanding that when you are  
5 talking about retirements and investments, this is the  
6 least restrictive wording that we can put in there. This  
7 is after all of your deductions, what you can and can't  
8 take out of your retirement, your investments, through our  
9 research, that's what we found.

10 COMMISSIONER GOLLOTT: How did you come up with  
11 the twenty percent?

12 Can you tell me that?

13 MATT HILL: We started a little bit higher. We  
14 started at thirty-five percent and there was some back and  
15 forth, and we just kind of went through the list that we  
16 had and we saw -- I hate to put it this way, but we  
17 reviewed how the fishermen currently qualify for it. We  
18 tried to come up with a number that was fair, that could  
19 keep a sufficient amount of fishermen in there to continue  
20 to meet the quota so we don't leave anything on the table.

21 However, we took the fishermen out that --  
22 basically we looked for three years. If they had  
23 harvested less than fifty pounds of Spotted Seatrout and  
24 sold them, we looked at what it took for them to qualify  
25 and that's how we started the elimination process.

1           JOE JEWELL: I could give you a little bit of  
2 background on that.

3           The original threshold that was suggested by the  
4 commercial industry -- we even heard Mr. Ryan Bradley  
5 suggest that -- was fifty percent, but the commission, in  
6 reviewing and speaking with the staff, the data, decided  
7 that was probably a little too high, and, then, it went to  
8 thirty-five percent, and, then, I think it was at our July  
9 meeting, the Commission had quite a discussion about that  
10 and we wanted to include other elements, so it was dropped  
11 to twenty percent because we didn't want to exclude --  
12 there are a number of commercial fishermen that don't  
13 actively commercial fish as rigorously as some of the  
14 others, and we didn't want to exclude any of those.

15           We went to twenty percent to try to get the  
16 broadest agreement we could at that time, so that's where  
17 it rests right now.

18           That was the percent that was withdrawn from the  
19 Notice of Intent originally.

20           COMMISSIONER GOLLOTT: Okay, as long as there  
21 has been some kind of thought process with it and trying  
22 to figure it out.

23           I know this is going to sound like I'm shooting  
24 at Chief Davis, but I'm really not.

25           what happens to the people that are breaking the



1 law?

2 I heard that there was a Jackson County  
3 politician over there bragging that he is commercially  
4 fishing and he only sold five pounds of fish last year.  
5 That comes out of his own mouth.

6 Is there any way to back this up?

7 Is there any way to prosecute these people?

8 KEITH DAVIS: Again, before enforcement can  
9 engage, we have to know about it.

10 If there is an individual saying that, we  
11 certainly would like to know about it.

12 I can tell you today I don't have any idea what  
13 you are referring to, but we would certainly be willing to  
14 look into it, if you have more information on it.

15 COMMISSIONER GOLLOTT: I guess what I'm asking  
16 you, is there a way to pursue these people that are  
17 breaking the law, that are coming in with false  
18 information and getting by with it?

19 KEITH DAVIS: Yes, sir. If they are out there,  
20 certainly, I think that Marine Patrol can look at that.

21 COMMISSIONER BOSARGE: Not to interrupt you,  
22 Chief Davis, but I know Commissioner Gollott, they don't  
23 have a lot of tools in the toolbox.

24 COMMISSIONER GOLLOTT: Is that right?

25 COMMISSIONER BOSARGE: That's right, and I hope

1 that maybe Matt can bring us some ideas and give them some  
2 more tools to work with. I mean, that's what it amounts  
3 to. They just don't have any tools in the toolbox to work  
4 with.

5           Anyhow, I'm hoping that is going to be part of  
6 your presentation at a later date.

7           KEITH DAVIS: One of the things we can look at  
8 is during those discussions, when Fisheries and Sandy are  
9 working on that, is involving Marine Patrol's input as  
10 those come forth for the Commission's consideration.

11           COMMISSIONER BOSARGE: We need to see if we want  
12 to proceed with a motion.

13           COMMISSIONER GOLLOTT: I will make a motion that  
14 we accept this modification.

15           SANDY CHESNUT: Just to clarify what we put up  
16 on the board is a motion to send the language that was  
17 withdrawn last month out for a Notice of Intent for  
18 regulatory changes to Title 22, Part 7, Chapter 9, Section  
19 110, modifying requirements to the Spotted Seatrout  
20 endorsement.

21           COMMISSIONER BOSARGE: We have a motion.  
22 we have one public comment. Before we vote, I  
23 would like to hear his comment.

24           MATT HILL: One other quick thing and I want to  
25 keep pointing this out. You do have to understand that

1 once this does go through and we go through the final  
2 adoption, we will have to change the date obviously, but,  
3 upon approval of proposed regulation to Title 22, Part 7,  
4 Section 110, all current Spotted Seatrout endorsements  
5 shall expire, and it is more than likely going to be the  
6 December, or January, date.

7 we will count the days on the calendar and see  
8 when we can do this.

9 COMMISSIONER BOSARGE: All right.

10 we have a motion.

11 Do we have a second for that motion?

12 (No response.)

13 COMMISSIONER BOSARGE: I will second the motion.

14 we have one public comment request, Mr. Ryan  
15 Bradley.

16 RYAN BRADLEY: Again, thank you Commissioners.

17 It is always a pleasure to speak directly to you.

18 My name is Ryan Bradley. I'm the Executive of  
19 Director of Mississippi Commercial Fisheries United, and I  
20 would just like to briefly comment on this commercial  
21 Spotted Seatrout Notice of Intent.

22 Commercial fishermen, bonafide commercial  
23 fishermen who depend on commercial fishing for the  
24 majority of their livelihood deserve stronger protections  
25 to ensure they have firsthand and majority access to the

1 Mississippi Commercial Spotted Seatrout endorsement and  
2 quota.

3           There is simply not enough commercial quota to  
4 accommodate everybody, with this relatively small fifty  
5 thousand pound quota and for all the recreational  
6 fishermen who want to sell fish as a hobby.

7           Our organization supports increasing the income  
8 qualifier to twenty percent. We are not opposed to  
9 allowing more fishermen to sell speckled trout, but we  
10 simply do not have enough quota.

11           If we are allowed to harvest millions of pounds  
12 annually like the recreational sector, we would certainly  
13 be glad to accommodate more fishermen.

14           Our organization supports and recommends an  
15 increase in the commercial speckled trout quota. We would  
16 even not be opposed to splitting this quota between the  
17 net and hook-and-line fishermen, similar to the way the  
18 commercial King Mackerel fishery is managed in the Gulf.

19           We strongly encourage the Commission to pursue  
20 true conservation measures such as implementing an annual  
21 total allowable catch in the recreational sector, as the  
22 Commission is already authorized to do for species such as  
23 speckled trout, red fish and flounder.

24           This authorization can be found in Title 22,  
25 Part 5, Chapter 7, Section 100.

1           We strongly encourage the Commission to  
2 implement mandatory reporting requirements for all  
3 recreational finfish landings in Mississippi. The Tails  
4 n' Scales system would be a perfect candidate for this  
5 purpose.

6           This is critically important to get a handle on  
7 the extent of recreational overfishing to sustainably  
8 manage the resources for the benefit of all user groups.

9           We would also encourage the Commission to listen  
10 to several recreational fishermen who have recently called  
11 for a reduction in the recreational bag limit for speckled  
12 trout.

13           As far as charter boats selling fish, a key  
14 consideration should be that the commercial fisherman's  
15 income is validated through trip tickets and, until we can  
16 validate the charter fisherman's catch, we should proceed  
17 with caution.

18           A key consideration should also consider  
19 insurance and warranties are much more costly for  
20 commercial fishing vessels than recreational fishing  
21 vessels which provides an unfair advantage.

22           In summary, we believe that any vessel that is  
23 commercial fishing in Mississippi waters, their vessel  
24 should be registered as a commercial fishing vessel  
25 period.

1 I will leave that there for the Commission.

2 If there are any questions, I will be glad to  
3 take those questions.

4 COMMISSIONER BOSARGE: Thank you.

5 RYAN BRADLEY: Thank you.

6 COMMISSIONER BOSARGE: I think that's all the  
7 public comment we have on that, and I think that some of  
8 your concerns will be addressed in later meetings.

9 We have a motion and a second for the motion.

10 All those in favor aye.

11 (Commissioner Bosarge, Commissioner Daniels,  
12 Commissioner Gollott in favor.)

13 COMMISSIONER BOSARGE: Opposed like sign.

14 (Commissioner Havard opposed.)

15 COMMISSIONER BOSARGE: Three ayes and one nee.

16 The motion carries.

17 Before we go into this next agenda item, we will  
18 take a ten-minute break. I think everybody could use it.

19 MEETING STANDS IN RECESS

20 COMMISSIONER BOSARGE: I call this meeting back  
21 to order.

22 Mr. Joe.

23 JOE JEWELL: Commissioners, next up on the  
24 agenda for your consideration is final adoption of Title  
25 22, Part 5, Chapter 4, One-Mile Commercial Net Exclusion

1 Zone Around Cat Island.

2 CMR passed the Notice of Intent on July the 17<sup>th</sup>.  
3 The Notice of Intent was filed with the Secretary of  
4 State's office on July the 18<sup>th</sup>.

5 MDMR published the public notice on our web page  
6 on July the 19<sup>th</sup>.

7 The legal notice appeared in The Sun Herald on  
8 July the 29<sup>th</sup>.

9 Department of Marine Resources held a public  
10 hearing on September the 11<sup>th</sup>, 2018. We had a total public  
11 attendance of a hundred and two people.

12 Of these, twenty-five people commented.

13 Seventeen supported the proposed changes and eight  
14 opposed the proposed changes.

15 I want to thank the Commissioners for one  
16 hundred percent participation in this public hearing.  
17 Commissioner Bosarge, Commissioner Gollott, Commissioner  
18 Havard and Commissioner Daniels were all present.

19 We had two elected officials, Mr. Greg Haney and  
20 Ms. Stacey Wilkes.

21 There were seventeen DMR employees and seven  
22 Marine Patrol officers for a total attendance of a hundred  
23 and thirty-two people.

24 Written comments petitions, there were five of  
25 them:

1 Mississippi Commercial Fisheries United. There  
2 were two board letters opposing the proposed changes, and  
3 one petition with three hundred and three commenters  
4 opposing the proposed changes.

5 Mr. J. L. McNew (phonetic), he presented one  
6 petition with one thousand forty commenters supporting the  
7 proposed changes.

8 At the very end, Mr. Talmidge Delaney had one  
9 petition with thirty thousand four hundred and eighty-  
10 seven commenters opposing the proposed changes.

11 I'm going to go through those public comments  
12 and, at the very end, I will give a summary graph, and,  
13 then, later in the presentation I will give you a summary  
14 graph of all of the comments. These are just for the  
15 public hearing.

16 Mississippi Commercial Fisheries United  
17 organization submitted an opposed statement for the  
18 proposed regulatory changes, but this petition was  
19 originally submitted on August the 10<sup>th</sup>. It is a very  
20 similar document.

21 The same with the next item, Mississippi  
22 Commercial Fisheries United organization opposition  
23 requesting an EIS for the proposed regulatory changes to  
24 Title 22, Part 5. Again, this letter was originally  
25 submitted on August the 27<sup>th</sup>.



1           Finally, the Mississippi Commercial Fisheries  
2 United petition opposing the regulatory changes to Title  
3 22, Part 5, with a total of three hundred and three  
4 commenters on this petition. Again, this is an update to  
5 the petition that was submitted on August the 20<sup>th</sup>.

6           COMMISSIONER BOSARGE: I hate to stop you here  
7 because you are just getting started, but there was  
8 information that was provided to me and the rest of the  
9 Commissioners in that the way that this whole thing is  
10 going and, if this should go to the next level which would  
11 be in a Court of Law, there are certain things that need  
12 to be in the record and on the record.

13           Each one of us will have our chance to add those  
14 things to the record.

15           I would like to exercise my option to add those  
16 things to the record, and you will have to backup one  
17 slide.

18           while you are there and you are talking about  
19 Mississippi Commercial Fisheries United and their comment  
20 letter, I'm not sure because you cite several different  
21 letters here.

22           JOE JEWELL: They submitted three letters.

23           One was a board letter from their executive  
24 board that outlined several criteria that they felt the  
25 Commission, with this action, did not meet.

1           The second letter was a request for an EIS be  
2 conducted by the Department of Marine Resources.

3           The third one was a cover letter for a petition  
4 that had three hundred and three signatures on it.

5           COMMISSIONER BOSARGE: In my opinion, of all the  
6 information that has been presented -- there are a couple  
7 of them and you talk about them as you go, but this one  
8 presented the facts as I see them and built the case upon  
9 which we will rule.

10           Instead of just giving a highlight of this  
11 particular public comment, I think we need to read some of  
12 it into the record.

13           JOE JEWELL: I have some of those with me. Hold  
14 on just a second.

15           I have those letters.

16           What exactly would you like me to do,  
17 Commissioner?

18           COMMISSIONER BOSARGE: It goes through each  
19 state statute.

20           JOE JEWELL: The board's statement, that's  
21 correct.

22           COMMISSIONER BOSARGE: Quotes the statute, gives  
23 some reasons why the statute doesn't fit and a lot of  
24 times cites case law defending those statutes.

25           JOE JEWELL: Commissioner, that's correct.

1 The very first page cites 49-15-2, Code 1972:  
2 "Any fishery management plan and any  
3 regulation promulgated to implement that  
4 plan, or promulgated under the state seafood  
5 laws, shall be consistent with the following  
6 standards of fishery conservation and  
7 management."

8 And there are three, or four, pages listed.

9 COMMISSIONER BOSARGE: Correct.

10 JOE JEWELL: "Based upon best scientific  
11 information available."

12 "Fair and equitable to those fishermen."

13 "Reasonably calculated to promote  
14 conservation."

15 "Carried out in a manner that no particular  
16 individual, corporation, or other entity,  
17 acquires an excessive share of the privileges."

18 Is that what you are referencing?

19 COMMISSIONER BOSARGE: Yes.

20 In order to have it in the record, I don't want  
21 to take up everybody's time, but I know I have to put it  
22 in here, if we need it at some point in time.

23 whether you read it into the record, or I read  
24 it into the record, it doesn't matter to me.

25 JOE JEWELL: I can read it, if you would like me

1 to.

2 If you would prefer to read it -- are you going  
3 to read the entire letter, or the major sections?

4 COMMISSIONER BOSARGE: The regulations that they  
5 cite, the state statute that they cite and the rationale  
6 behind it.

7 JOE JEWELL: Like I said, the Title is under 49-  
8 15-2.

9 "(a) Conservation and management measures  
10 shall be based upon best scientific  
11 information available."

12 "(b) If it becomes necessary to allocate,  
13 or assign, fishing privileges among various  
14 fishermen, the allocation shall be fair and  
15 equitable to those fishermen, reasonably  
16 calculated to promote conservation and  
17 carried out in a manner that no particular  
18 individual, corporation, or other entity,  
19 acquires an excessive share of privileges."

20 COMMISSIONER BOSARGE: Joe, that's not what I  
21 want you to read.

22 JOE JEWELL: I'm sorry.

23 COMMISSIONER BOSARGE: "Conservation and  
24 management measures shall be based upon  
25 the best scientific information available."

1 "In passing the Notice of Intent for the  
2 aforementioned proposed regulatory change,  
3 the Mississippi Commission on Marine  
4 Resources disregarded and failed to base  
5 the proposed management measure on the  
6 best scientific information available.  
7 In fact, no scientific information  
8 supporting the aforementioned proposed  
9 regulation was requested, presented, or  
10 made publicly available by the  
11 Commissioners supporting the rule change."

12 JOE JEWELL: I can read all of that.

13 Then, under section (b), the statement is made:

14 "The aforementioned proposed regulation,  
15 (a), unfairly and inequitably diminishes  
16 access to the productive fishing grounds  
17 for commercial net fishermen.

18 "(b) fails to be reasonably calculated  
19 to promote conservation as no scientific  
20 evidence has been presented that supports  
21 the conservation benefits of the proposed  
22 regulation.

23 "(c) allows for hook/line fishing  
24 entities to acquire an excessive share  
25 of the privileges, by restricting access

1 to fishing grounds for commercial net  
2 fishermen, when the total sum of net  
3 restricted areas is calculated.”  
4 “(C) Conservation and management  
5 measures shall, where practicable,  
6 consider efficiency in the utilization  
7 of fisheries resources, but no resources  
8 shall have economic allocation as its  
9 sole purpose.”  
10 And, then, the statement is made:  
11 “The aforementioned proposed regulatory  
12 changes does not consider efficiency in  
13 the utilization of fishery resources, as  
14 commercial net fishermen have demonstrated  
15 the ability to use, market, sell and  
16 make available to the general public  
17 a large range of marine resources that  
18 are generally not sought after by  
19 competing resource user groups.  
20 “(b) The measure cannot be based on an  
21 economic allocation purposes as its sole  
22 purpose to justify the exclusion of  
23 commercial net fishermen from operating  
24 within one mile of Cat Island.  
25 “For example, prohibiting commercial net

1 fishermen to justify increased economic  
2 opportunities for recreational fishing  
3 interests and/or commercial hook/line  
4 fishermen, as has been cited by special  
5 interest groups as the sole reason for  
6 the proposed rule, would be in violation  
7 of this statute.

8 “(d) Conservation and management measures  
9 shall take into account and allow for  
10 variations among, and contingencies in,  
11 fisheries, fishery resources and catches.”

12 And, then, the statement is made:

13 “The aforementioned proposed regulation  
14 fails to take into account and allow  
15 for variation among, and contingencies  
16 in, fisheries, fishery resources and  
17 catches because it has a disparaging  
18 impact on commercial net fishermen and  
19 because the Commission failed to consider  
20 alternative management measures proposed  
21 by our organization that would take these  
22 factors into consideration.”

23 “(e) Conservation and management measures  
24 shall, where practicable, minimize costs  
25 and avoid unnecessary duplication.”

1 The statement is made:  
2 “The aforementioned proposed regulation  
3 fails to minimize costs of the adverse  
4 impacts to commercial net fishermen.  
5 “An adverse economic impact in excess of  
6 a hundred thousand dollars annually is  
7 expected to be incurred by all parties  
8 negatively impacted by this proposed  
9 regulation, and, therefore, an economic  
10 impact study should be conducted as  
11 required.”  
12 “Additionally, the aforementioned proposed  
13 regulation fails to avoid unnecessary  
14 duplication because Mississippi Code  
15 Annotated 49-15-78, 1972, already prohibits  
16 the use of gill nets, trammel nets,  
17 entanglement nets, or like contrivances,  
18 for the taking of fish in marine waters  
19 within one-half mile of the shoreline.”  
20 “(f) Conservation and management measures  
21 shall be consistent with conservation  
22 requirements of this state, including the  
23 prevention of overfishing and rebuilding  
24 of overfished stocks, take into account  
25 the importance of fishery resources to



1 fishing communities in order to provide  
2 for the sustained participation of the  
3 communities and, to the extent practicable,  
4 minimize adverse economic impacts on  
5 those communities.”

6 And, then, a statement is made:

7 “The aforementioned proposed regulation  
8 does not seek to, (a), prevent overfishing  
9 and rebuilding of overfished stocks as  
10 primary species of concern such as  
11 Spotted Seatrout are currently being  
12 overfished by the recreational sector  
13 and this regulation will only affect  
14 commercial net fishermen fishing under a  
15 strictly managed and relatively low quota.

16 “For comparison, 2016 Mississippi  
17 recreational landings of Spotted Seatrout  
18 was estimated at five million two hundred  
19 and forty-six one hundred and thirty pounds  
20 -- National Marine Fisheries Statistics  
21 Division August 8<sup>th</sup>, 2018 -- while  
22 Mississippi commercial quota and landings of  
23 Spotted Seatrout was only fifty thousand  
24 pounds.

25 “(b) Provide for the sustained participation

1 of the communities because longstanding multi-  
2 generational commercial net fishermen  
3 would be unable to participate in traditional  
4 net fishing practices within the proposed  
5 exclusion zone.

6 “(C) Minimize adverse economic impacts  
7 on those communities because a significant  
8 portion of the adversely affected parties’  
9 incomes are derived from commercial net  
10 fishing within the proposed exclusion  
11 zone and, therefore, the proposed  
12 regulation would place commercial net  
13 fishermen in financial peril.

14 “(g) Conservation and management measures  
15 shall, to the extent practicable,  
16 minimize bycatch and to the extent bycatch  
17 cannot be avoided, minimize mortality of  
18 that bycatch.”

19 And, then, the statement is made:

20 “The aforementioned proposed regulation  
21 fails to minimize bycatch and the  
22 mortality of that bycatch, by refusing  
23 to acknowledge the best available science  
24 that indicates commercial net fishing  
25 methods have a much lower bycatch mortality

1 rate than other types of fishing gear  
2 such as hook-and-line.”  
3 And, then, the reference is made to A. J.  
4 Fowler, SARFI, May 2005:  
5 “Commercial net fishing operations prosecute  
6 target species with much selectivity than  
7 fishing operations that use indiscriminate  
8 hook and lines.  
9 “Additionally, variations in net mesh  
10 sizes allow juvenile and undersize  
11 species to pass through the net  
12 unharmed; therefore, nets have a much  
13 lower bycatch mortality rate over the  
14 use of other types of fishing gear such  
15 as hook-and-line that are not subjected  
16 to this proposed regulation.”  
17 “(d) Conservation and management measures  
18 shall, to be the extent practicable,  
19 promote the safety of human life at sea.  
20 “The aforementioned proposed regulation  
21 fails to promote the safety of human  
22 life at sea, due to the fact that it fails  
23 to recognize that commercial net fishing  
24 operations are more efficient and  
25 require less trips and the time on the

1 water which minimizes the chances of  
2 injuries, fatal accidents and encounters  
3 with inclement weather situations.”

4 “II. No valid reason for the proposed  
5 regulation was stated publicly.

6 “The Commission failed to present and make  
7 publicly available a valid reason for  
8 the proposed regulatory changes.

9 “Initially, at the June 2018 Commission  
10 meeting, the reasoning for the proposed  
11 regulation was to protect grass beds  
12 around Cat Island; however, at the July  
13 2018 Commission meeting, this reason for  
14 the proposed regulation was withdrawn.

15 “In fact, according to our research,  
16 the best available scientific evidence  
17 states that the physical effects of  
18 hauling nets on seagrass observed no  
19 evident short-term effects and actually  
20 recorded an increase in shoot and leaf  
21 densities over the long term.

22 “Physical affects of hauling on grass  
23 beds, FRDC, N. M. Otway and W. G.  
24 Macbeth 1999.

25 “Additionally, it was stated by the

1 Commission that the reason for the  
2 proposed regulation was to put regulations  
3 at Cat Island in line with other islands  
4 in the Mississippi Sound.  
5 “It is our opinion that this is not a  
6 valid reason because Cat Island is not  
7 a National Seashore like several of the  
8 other islands in the Mississippi Sound that  
9 have broad federally mandated commercial  
10 activity restrictions.”  
11 And, then, a reference to the Commission  
12 comments:  
13 “Commissioner Bosarge: Can you explain  
14 to us your reasoning?”  
15 “Commissioner Havard: I do not have any  
16 scientific proof, other than the eyes  
17 that are seeing what has gone on through  
18 the destroying of the grass beds, and  
19 they are bringing these haul seines all  
20 the way up to the sand and on the sand.”  
21 This is an excerpt from the Mississippi  
22 Commission on Marine Resources June 18<sup>th</sup>,  
23 2018 meeting transcript page eighty-eight.  
24 “Additionally, at the last meeting, I took  
25 notes and you had mentioned that you are

1 interested in pursuing this regulation to  
2 protect the seagrass around Cat Island.”  
3 “Is this correct?”  
4 “Commissioner Havard: That was a reason  
5 that was presented, but, now, that is not  
6 valid, the statement that I made about the  
7 seagrass, although nets do tear up seagrass.”  
8 “Ryan Bradley: For the record, I want  
9 to state that I haven’t seen any evidence  
10 that seagrass was being damaged by these  
11 nets around Cat Island.”  
12 This was an excerpt from the Mississippi  
13 Commission on Marine Resources July 2018  
14 meeting transcript, page ninety-four.  
15 “III. The Notice of Intent for the proposed  
16 regulation was not properly authorized  
17 by the Commission on Marine Resources.  
18 “Originally, at the June 2018 Commission  
19 meeting, the Commission approved a motion  
20 for agency staff to develop and present a  
21 Notice of Intent at the next Commission  
22 meeting to prohibit the use of only haul  
23 seines within one mile of Cat Island;  
24 however, at the July 2018 Commission  
25 meeting, the Notice of Intent presented was

1 to prohibit the use of all nets within  
2 one mile of Cat Island.  
3 “Therefore, the promulgation of this rule  
4 violates the administrative procedures  
5 governing the rule making authority of  
6 the Commission on Marine Resources  
7 because the Notice of Intent that was  
8 brought forth and approved by the  
9 Commission was vastly different than the  
10 original motion voted on and approved by  
11 the Commission.  
12 “IV. The approval of the Notice of Intent  
13 for the proposed regulations is arbitrary  
14 and capricious.  
15 “The aforementioned proposed regulation  
16 is arbitrary and capricious because the  
17 Notice of Intent was passed according to  
18 the will of only two Commissioners, without  
19 justifying a reasonable basis for their  
20 decision, or consideration of relevant  
21 factors and, therefore, amounts to the  
22 abuse of power.”  
23 And the reference it cited:  
24 “Natural Resources Defense Council,  
25 Incorporated, versus United States EPA,

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966 F.2d 1292,1297, Ninth Cir. 1992.”

“V. The proposed regulation has a disparate impact against a certain class of commercial fishermen, in violation of the Fourteenth Amendment to the United States Constitution.”

The statement is made:

“The aforementioned proposed regulation seeks to prevent the use of commercial fishing nets that have been legally utilized effectively, efficiently and environmentally friendly for decades in the area around Cat Island, and that this regulation proposes to exclude commercial fishing nets.

“These commercial fishing nets have been used traditionally by multi-generational fishermen in this area and proposed regulation threatens the livelihood of these fishermen and places them in financial peril.

“This proposed rule illegally discriminately targets a certain class of commercial net fishermen and has been promulgated with an evil eye and an unequal hand.



1           “Such a regulation has routinely been  
2 held unconstitutional. See Oyler versus  
3 Boles, 368 U.S. 448, 445, 1962. Snowden  
4 versus Hughes, 321 U.S. 1, 8-9, 1944.  
5 Yick wo versus Hopkins, 118 U.S. 356,  
6 373-74, 1886.

7           “Though the law itself be fair on its  
8 face and impartial in appearance, yet,  
9 if it is applied and administered  
10 with an evil eye and an unequal hand so  
11 as practically to make unjust and illegal  
12 discriminations between persons in similar  
13 circumstances, material to their rights,  
14 the denial of equal justice is still within  
15 the prohibition of the constitution.”

16           Do you want me to read the conclusion statement?

17           COMMISSIONER BOSARGE: No, sir. I think that's  
18 good. I hate to put everybody through that, but it is  
19 just a formality. It is something I had to do, and I  
20 appreciate you doing that for me.

21           JOE JEWELL: Moving forward, again, Mr. J. L.  
22 McNew (phonetic) submitted a petition with one thousand  
23 forty commenters supporting the proposed regulation  
24 changes to Title 22, Part 5.

25           Mr. Talmidge Delaney submitted a petition with

1 thirty thousand four hundred and eighty-seven commenters  
2 opposing the regulation to Title 22, Part 5.

3 Again, I want to point out this is an update.  
4 You will see this later in the presentation. This is an  
5 updated petition that was submitted on August the 21<sup>st</sup>.  
6 Then, it had nineteen thousand four hundred and forty-six  
7 commenters.

8 This is a summary chart of just the comments  
9 that were received at the public hearing. I have a  
10 similar one for all the comments.

11 In support, we had one thousand fifty-seven  
12 comments.

13 Opposed, there were thirty thousand eight  
14 hundred.

15 Now, I'm going to move into the second section.

16 Those comments were from the public hearing.  
17 These are all the comments that were received by the  
18 agency, and I will summarize those at the end.

19 Again, the Notice of Intent was published on  
20 July the 18<sup>th</sup>.

21 Public comment period was July the 19<sup>th</sup> through  
22 August the 20<sup>th</sup>. That was about thirty-three days.

23 To date, one thousand twenty-two comments have  
24 been received.

25 The Care2 petition, this is the one that had the

1 thirty thousand that was updated at the public hearing.  
2 At that time, it had nineteen thousand four hundred and  
3 forty-six comments opposing all activities that harm  
4 seagrass beds, and they requested that this not be  
5 approved to move forward by the Commission.

6 Seventy-eight requests for a public hearing were  
7 made.

8 A public hearing was scheduled and did occur on  
9 Tuesday, September 11<sup>th</sup>, 2018, at 6:00 p.m., in the Bolton  
10 Building Auditorium, here in this auditorium.

11 Seventy-eight requests were made for an Economic  
12 Impact Statement to be conducted.

13 COMMISSIONER HAVARD: Joe, in regards to the  
14 thirty thousand signatures on that petition, how many of  
15 those names are actually from the United States, much less  
16 from Mississippi?

17 JOE JEWELL: There were comments on there. I  
18 don't have the exact breakdown of that. It's a little  
19 over thirty thousand, but there were several comments  
20 locally here from Mississippians and in the United States,  
21 but this petition had comments from all over the world.  
22 It ranged from most major countries in Europe, Spain,  
23 Germany, Portugal, England, Italy. It had some comments  
24 from China. It had comments from Australia. It was all  
25 over the world, people all over the place.

1 COMMISSIONER HAVARD: Thank you.

2 JOE JEWELL: Now, I'm looking at the public  
3 comments that were submitted.

4 A total of one thousand twenty-two comments have  
5 been received concerning the proposed commercial net ban  
6 within one mile of Cat Island.

7 Again, the Care2 petition with nineteen thousand  
8 signatures at that time, and they oppose all activities  
9 that harm seagrass beds on Cat island.

10 We received six hundred and eighty-one comments  
11 supporting the commercial net ban around Cat Island.

12 I do have to note that at the past Commission  
13 meeting, I read this slide. Most of these commenters were  
14 from an online email statement that came from the CCA.  
15 They had set up a link where they could directly email me  
16 at the Department of Marine Resources.

17 It was a form letter and I will read that into  
18 the record, in all fairness. This is an example of what  
19 it looked like. I'm not going to read the gentleman's  
20 name.

21 It has in bold:

22 "TITLE 22, PART 5, CAT ISLAND  
23 NEXT EXCLUSION PROPOSED CHANGES.

24 "Mr. Jewell has submitted support for the  
25 Title 22, Part 5, Cat Island Net Exclusion

1 proposed changes.

2 "Below contains the name, email and message  
3 from Mr. Jewell" -- I'm using my name as  
4 an example -- "The message is optional and  
5 may not appear."

6 "If you choose to reply back to Mr. Jewell,  
7 simply click the reply to the email and  
8 the message will be sent to the email  
9 provider by Mr. Jewell."

10 And, then, it will have that person's name at  
11 the bottom.

12 We received six hundred of those emails, and I  
13 do want to note our comment period ended on August the  
14 20<sup>th</sup>, but we received -- I looked at the email folder this  
15 morning, and there has got to be a hundred, or a hundred  
16 and fifty more that didn't meet the deadline, and they are  
17 comments that were on both sides that did not meet the  
18 public deadline.

19 COMMISSIONER BOSARGE: Joe, when you are talking  
20 about the comment period, another thing I would like to  
21 make everybody aware of, has anybody seen any news  
22 articles on any of this?

23 Has there been one paper covering this story?

24 FROM THE FLOOR: (Indicating.)

25 COMMISSIONER BOSARGE: There is one gentleman

1 back there. He is the only one.

2 Did you notice the day of the public comment,  
3 that morning it was all over the news, public comment  
4 Bolton Building, 6:00 a.m., commercial?

5 I don't know. I guess I may be a little bit  
6 like Trump and the fake news. I felt like after they did  
7 all of that and put it on there, and, then, didn't even  
8 show up to cover the meeting.

9 JOE JEWELL: I agree. I don't know any coverage  
10 that occurred.

11 Mr. Dawkins just gave me a letter from the  
12 Gazebo where he participated and he was at the public  
13 hearing that occurred and they did do a news article in  
14 the Gazebo.

15 COMMISSIONER BOSARGE: He is the only that I  
16 have seen that has covered it.

17 JOE JEWELL: He just handed it to me (indicating  
18 document).

19 COMMISSIONER BOSARGE: Kudos to you.

20 DEBORAH DAWKINS: Thank you, sir.

21 JOE JEWELL: Moving on, there were six hundred  
22 and eighty-one comments in support of the commercial net  
23 ban around Cat Island.

24 Like I said, most of these were received from  
25 the email provided by the CCA website.

1           Three hundred and forty comments oppose the  
2 commercial net ban around Cat Island.

3           Nineteen thousand four hundred forty-six oppose  
4 all activities. This is a Care2 petition, including both  
5 commercial and recreational that damage the seagrass beds  
6 on Cat Island.

7           Two groups supported the ban. HOSSFLY, the  
8 historic Ocean Springs fly organization, and the Sierra  
9 Club.

10           Two groups oppose the ban, the Mississippi  
11 Commercial Fisheries United and the Gulf Restoration  
12 Network.

13           This is a summary of the petition that was  
14 received on August the 16<sup>th</sup> with a total of a hundred and  
15 eighteen signatures. It was provided by Mr. Hal Lusk and  
16 Mark Dubuisson.

17           If you recall, at the August meeting, Mr. Hal  
18 Lusk came and participated at the meeting and made  
19 comment.

20           Essentially, there are four points that this  
21 petition makes.

22           One, ban all nets in Mississippi waters for the  
23 catch and sell of speckled trout.

24           Two, commercial fishermen, rod-and-reel, who  
25 have the endorsement will keep the endorsement.

1           Three, commercial fishermen must abide by the  
2 same limits as the recreational fishermen and may only  
3 sell thirty speckled trout a day.

4           Four, fifty thousand quota would remain the  
5 same.

6           Now, I'm going to look at just the six hundred  
7 and eighty-one comments that were made, and I picked out  
8 statements that I felt reflected the entire group of  
9 comments.

10          They made statements such as limit the  
11 commercial fishing to weekdays. No commercial fishing on  
12 the weekends.

13          Oppose commercial net fishing around Cat Island.  
14          Support the commercial hook-and-line fishing.  
15          Ban all commercial nets in Mississippi.  
16          Reduce the total number of haul seines and gill  
17 nets.

18          Opposition to selling commercially-caught  
19 Spotted Seatrout out of state.

20          Commercial hook-and-line should abide by the  
21 same size and quantity limits as the recreational  
22 fishermen and should not be allowed to sell over thirty  
23 trout per day.

24          Require all commercial fishermen and seafood  
25 markets to fill out and submit Trip Tickets.



1           Next we had comments that were submitted by Mr.  
2 Ryan Bradley on behalf of Mississippi Commercial Fisheries  
3 United.

4           He originally submitted these comments on August  
5 the 6<sup>th</sup>.

6           He submitted a board statement on August the  
7 10<sup>th</sup>.

8           On August the 13<sup>th</sup>, a form letter with thirty-  
9 eight additional comments was submitted.

10           On August the 20<sup>th</sup>, Mr. Ryan Bradley submitted an  
11 additional fourteen comments on the same form letter that  
12 totaled sixty-nine at the time.

13           On August the 21<sup>st</sup>, Mr. Ryan Bradley submitted  
14 eight comments on the same form letter that totaled  
15 seventy-eight at the time.

16           This form letter that I highlighted in the big  
17 blue box, there are the four statements that are made in  
18 that box:

19           Opposes the proposed fish net ban on Cat  
20 Island.

21           Requests an oral hearing be held on this  
22 proposed regulatory change.

23           Requests that an Economic Impact Statement  
24 be conducted.

25           Requests that the best available science be

1 made available and be considered with this  
2 proposal.

3 Again, this is the board letter.

4 “The proposed changes are not consistent with  
5 the standards for fishery conservation and  
6 management as required by Mississippi Code  
7 Annotated 49-15-2.

8 “No valid reasons for the proposed regulation  
9 were stated publicly.

10 “The Notice of Intent for the proposed  
11 regulation was not properly authorized by  
12 the Commission on Marine Resources.

13 “The approval of the Notice of Intent for  
14 the proposed regulation is arbitrary and  
15 capricious.

16 “The proposed regulation has a disparate  
17 impact against a certain class of commercial  
18 fishermen in violation of the Fourteenth  
19 Amendment to the United States Constitution.”

20 Again, this is a summary of the Care2 petition  
21 that was submitted by Mr. Ryan Bradley. A total of two  
22 hundred and fifty-one signatures were submitted prior to  
23 August the 20<sup>th</sup>, and this is a summary of those statements.

24 “Where is all the data for closing these  
25 waters?”

1           “My guess there is no data.

2           “Because I am a fisherman in Mississippi, I  
3           support my family with my boats and this  
4           would put a burden on my income.

5           “We need commercial fishing to stay here in  
6           the USA and provide America our fish. Keep  
7           the nets.

8           “CCA is the enemy of hardworking commercial  
9           fishermen. They won’t be happy until all  
10          seafood is imported.

11          Then, there was submitted another Care2  
12          petition, and this was submitted by Mr. Johnny Neetbaum,  
13          and there were nineteen thousand four hundred and forty-  
14          six comments, at that time.

15                 This is the one that you saw at the public  
16          hearing that had increased to almost thirty thousand at  
17          that point.

18                 It simply states -- and I highlighted again with  
19          a blue box the important points that the petition made.

20                 “Tell the Mississippi Commission on Marine  
21          Resources that their Notice of Intent to  
22          modify, change and amend Title 22, Part 5,  
23          Chapter 4, to create an exclusive zone around  
24          Cat Island does not do enough to protect  
25          sensitive grass beds on the island and that

1 this regulatory change should be rejected  
2 to include broader protections for these  
3 important habitats.

4 “Activities such as motoring through  
5 seagrass, anchoring, wading, using trolling  
6 motors, power poles and push polls in  
7 sensitive seagrass areas around Cat Island  
8 should also be included in the Mississippi  
9 Commission on Marine Resources protections  
10 for seagrass beds around Cat Island,  
11 Mississippi.”

12 Then, I’m going to summarize the comments I  
13 received by the Gulf Restoration Network, on August the  
14 20<sup>th</sup>, 2018.

15 Again, I highlighted the areas that most reflect  
16 the points that the Gulf Restoration Network was trying to  
17 make.

18 “Gulf Restoration Network opposes proposed  
19 rules as written because they are not  
20 supported by scientific evidence and do not  
21 address other activities.

22 “Gulf Restoration Network would support any  
23 action by the MDMR that would protect  
24 seagrass, or other essential fish habitats.”  
25 Notes that nothing in the proposed rules

1 documents public notices have been  
2 conservation motivated by banning haul  
3 seines.  
4 This is just a summary of all of the comments:  
5 “would like the MDMR to take into  
6 consideration that this would have a  
7 large financial impact on the local economy.  
8 “No scientific basis to support this action  
9 and is purely discriminatory.  
10 “If the CMR is truly concerned about Spotted  
11 Seatrout on Cat Island, they should conduct a  
12 scientific survey to determine how each user  
13 group is affecting the resource on Cat Island.  
14 “Will have great economic impact on commercial  
15 fishermen and the local economy.  
16 “This action will reallocate resources from  
17 one user group to another.  
18 “Recreational fishermen have it all and now  
19 they want to take away Cat Island.  
20 “If enacted, will further reduce commercial  
21 fishermen’s area to fish.  
22 “Finds it highly discriminatory as a net  
23 fisherman, when other commercial activities  
24 can continue, such as charter fishing,  
25 rod-and-reel fishing, crabbing and shrimping.

1           “Has large investment in commercial gear,  
2           such as boats and motors.”

3           This graph here summarizes all the comments.  
4 All the comments from the public hearing. All the  
5 comments we got online. All the comments that were mailed  
6 in, that were hand delivered, the petitions that were  
7 included on both sides, and it reflects here that about  
8 ninety-five percent of the comments that we received  
9 oppose this proposed regulation and five percent support  
10 it.

11           COMMISSIONER HAVARD: Joe, does this graph  
12 reflect that thirty thousand?

13           JOE JEWELL: It absolutely does.

14           COMMISSIONER HAVARD: On that petition that  
15 nobody even lives in the country.

16           It would probably drastically change your pie  
17 chart.

18           Is that correct?

19           JOE JEWELL: It would substantially change it.  
20 We received petitions on both sides. Those that  
21 supported, they had a Care2 petition that had comments  
22 from all over the world, too. It just wasn't as large as  
23 the thirty thousand.

24           The thirty thousand definitely, if we took it  
25 out, would skew it, but I have to receive all public

1 comments and I have to comment and produce those into the  
2 public record.

3 Now, how the Commission chooses to act on those  
4 comments and how they weigh, or value, those comments is  
5 solely at the discretion of the Commission. All I do is  
6 present the comments as they were submitted.

7 COMMISSIONER HAVARD: I just think we should use  
8 commonsense, when we look at some of this stuff and the  
9 relevance of it.

10 JOE JEWELL: Sure.

11 I'm going to move on. We are getting close to  
12 the end.

13 I'm going to read back into the public record  
14 what this proposed regulation is all about.

15 what it would do is it would amend Chapter 4,  
16 Commercial Net Closure Areas and Gear Size Restrictions,  
17 specifically Section 101. In Section 101, we are going to  
18 alter subsection 101.04.

19 According to the Administrative Procedures Act  
20 rules, anything that is to be removed has to be lined  
21 through and anything added underlined.

22 This section right here allows for commercial  
23 fishing between the period of May the 15<sup>th</sup> through  
24 September the 15<sup>th</sup> of each year. It specifically mentions  
25 Cat Island.

1           what would happen in this section is we would  
2 delete Cat Island and add new Subsection 101.05, and I  
3 will read that into the record.

4           “Within an area formed by a line running  
5 one mile from the shoreline of Cat Island.”

6           The inclusion of this statement would prohibit  
7 certain net activities, including haul seines, from  
8 fishing within one mile of Cat Island.

9           Then, the additional changes, I’m not going to  
10 read all of these into the record because none of this  
11 changes. All we do is renumber these sections  
12 consecutively to account for the new Section 101.05.

13           with that being said, to proceed with final  
14 adoption, the Commission would have to motion for final  
15 adoption of the regulatory changes to Title 22, Part 5,  
16 Chapter 4, Commercial Net Closure Areas and Gear Size  
17 Restrictions, Section 101.04, removes Cat Island from the  
18 seasonal opening and adds a Section 101.05, establishing a  
19 one mile commercial net restriction zone around Cat Island  
20 and renumbers all sections after the newly created Section  
21 101.05.

22           COMMISSIONER HAVARD: I’ve got a couple of  
23 things that I want to get on the record as well, since we  
24 will probably be making a motion.

25           Nets are indiscriminant in their catch. This is



1 why all seining, except for minnow seining, has been  
2 prohibited by the Mississippi Department of wildlife and  
3 Fisheries for over thirty years.

4 If those nets are indiscriminant, they not only  
5 affect the Spotted Seatrout population, but other near-  
6 shore species that use all of the grass beds near shore  
7 and estuaries and waters and deep depressions and grass  
8 flats to hatch their eggs, grow out their larvae and avoid  
9 predators.

10 The hook-and-line fishermen would not destroy  
11 the vegetation near as much as the net fishermen would.

12 The Commission is tasked with the protection,  
13 propagation and conservation of the resource, in  
14 connection with the preservation of the seafood industry.

15 Preventing indiscriminant catch is vital to all  
16 users of the seafood industry to sustain the industry.

17 There has been a lot of talk about shoreline  
18 grass beds. I've talked some.

19 The Commission is tasked with the duty to  
20 protect coastal wetlands, under the Coastal Wetlands Act  
21 49-27-1, specifically the act that prohibits killing, or  
22 damaging, any of the flora, or any other grasses, that are  
23 in coastal wetlands area.

24 Some people might argue that if you restrict  
25 commercial net activity in those shoreline areas, you

1 would have to extend that restriction to all commercial  
2 activities, but I don't think you have to do that.

3 I think you determine. You look at each  
4 specific activity and determine the potential for damage  
5 and decide what you should do and what you should not do  
6 for the restricted area.

7 Can a boat motor damage these grasses?

8 Absolutely, if the boat owner is careless and  
9 digs the propellor into the shore and damages these  
10 grasses, or any of the soil, but, if the fisherman is not  
11 careless and conscious in what he is doing, he can inch  
12 through these areas without destroying any kind of  
13 habitats where these fish go through their spawning cycle  
14 and, if they are destroying the grass beds, that is an  
15 enforcement issue that can be addressed.

16 On the other hand, net fishermen, when they are  
17 fishing two boats, dragging their net that is twelve  
18 hundred feet long which is well over a football field long  
19 and full of fish onto the shoreline, there is no amount of  
20 care that can be used to avoid damaging the grass beds and  
21 the wetlands area. The damage is caused in a much larger  
22 area than one boat motor can make in years.

23 There are many reasons we could go on and talk  
24 about why they put a one-mile barrier around the other  
25 barrier islands, but we are not wanting to go there. We

1 are just talking about Cat Island at this point, and most  
2 of this data is a peer-reviewed publication put out by  
3 GCRL. It is not stuff that has been made up. It is  
4 available to the public at the GCRL website.

5 COMMISSIONER BOSARGE: To counter some of your  
6 claims, everything I have heard there mostly is your  
7 opinion.

8 Correct?

9 COMMISSIONER HAVARD: No. Most of this actually  
10 came from a peer-reviewed publication coming out of GCRL.

11 COMMISSIONER BOSARGE: So you are going to quote  
12 the peer-reviewed publication?

13 Can you quote it?

14 COMMISSIONER HAVARD: I can give you the  
15 website, yes.

16 COMMISSIONER BOSARGE: No. I don't want a  
17 website. I want to know where you are getting your  
18 information from.

19 COMMISSIONER HAVARD: Here, I can give you this.  
20 Would that work for you?

21 COMMISSIONER BOSARGE: If you want science, and  
22 this is all about best science --

23 COMMISSIONER HAVARD: (Interposing) I mean,  
24 what is better science than our local university?

25 I have documents here I can give you.

1           COMMISSIONER BOSARGE: If it is science because  
2 that's where we've been this whole time. There is no  
3 science.

4           Now, if you've got science, this is a heck of a  
5 time to be presenting it. That should have been something  
6 that you presented at the very beginning.

7           In looking at this whole issue, how did we get  
8 where we are?

9           COMMISSIONER HAVARD: Haul seine netters not  
10 reporting their catch, seventy-five percent of the  
11 licensed netters.

12           COMMISSIONER BOSARGE: Joe, all the issues we  
13 ever deal with here at the DMR, if I ask you the question  
14 right now what is the meaning and purpose of this  
15 regulation, can you answer me?

16           JOE JEWELL: well --

17           COMMISSIONER BOSARGE: (Interposing) I know  
18 that puts you in a heck of a spot.

19           JOE JEWELL: It does put me in an awkward spot  
20 because this regulation change -- I want to say this.

21           COMMISSIONER BOSARGE: I want to explain one  
22 thing, before you go any further. This regulation is  
23 coming from the top down. This whole issue is coming from  
24 the top down, not the bottom up.

25           At the time I asked for legal advice, when you

1 asked to put this on the agenda, at that time, I didn't  
2 realize that I had the authority to stop it at that point  
3 which I should have because, if you had that issue and you  
4 were really concerned about that issue, you should have  
5 gone to the staff, brought it to the staff, let the staff  
6 research it, bring it from the bottom up, bring it to us  
7 and let's talk about it, but we didn't.

8 We waited until we had three Commissioners here  
9 and we actually, in my opinion, did something we shouldn't  
10 do and that is add an item to the agenda and make it an  
11 action item. Something, in my ten years of being here, we  
12 have never done before.

13 COMMISSIONER HAVARD: That's not true.

14 COMMISSIONER BOSARGE: In my ten years, we have  
15 never done that.

16 SANDY CHESNUT: It has been done before,  
17 Commissioner Bosarge. It has to be voted on by the  
18 Commission, but it can be done.

19 COMMISSIONER BOSARGE: Once again, in my ten  
20 years, we have never done it before.

21 JOE JEWELL: I will address your question. Here  
22 is my understanding as to how it started.

23 I agree with counselor Chesnut. It has been  
24 done, but traditionally there is an issue that is  
25 recognized, it is provided to the staff and we research

1 it, and, if the Commission so chooses to have us come  
2 forward with a recommendation, or a presentation, we do a  
3 lot of that. That is traditionally the way it works.

4 If the Commission directs us directly from the  
5 bench, there is nothing improper about that, and that  
6 certainly is the way this issue occurred. The Commission  
7 requested us to respond to that.

8 Now, my understanding of the way it happened --  
9 and I can be corrected because my memory is failing me as  
10 I get older -- the net fishermen were fishing over in  
11 Pascagoula and there was a considerable amount of public  
12 outcry about that.

13 I received a lot of calls. I know Marine Patrol  
14 received a lot of calls. Our Director received a lot of  
15 calls.

16 Eventually, Cat Island opened on September the  
17 15<sup>th</sup>, and these fishermen moved over to Cat Island, after  
18 the intensive scrutiny that happened over in Pascagoula.

19 Now, when that happened, it was a little bit  
20 different user group that was exploiting on Cat Island,  
21 and they took quite exception to that and they made the  
22 Commission aware of it, several of y'all were approached  
23 directly, Marine Fisheries was, our Executive Director  
24 was, and that is how the issue evolved to where we got to  
25 today. That's my understanding of what happened.

1           COMMISSIONER BOSARGE: And, as Commissioner  
2 Havard says, they were illegally fishing their gear.

3           We've got no science, until today that I still  
4 have to debate and have to look at and see what science he  
5 was referring to.

6           We've got an issue with gear. Some say it's an  
7 illegal gear. Some say it's not an illegal gear.

8           The answer to the question, the answer to the  
9 problem is to take -- your answer is to take that gear  
10 away from them and close the area.

11           My problem with it is imagine if you had -- I'm  
12 going to us shrimpers for instance because that is my  
13 background. Let's say we had two, or three, shrimpers  
14 that were working in the Mississippi Sound in an area and  
15 they are pulling illegal equipment, well, instead of going  
16 out there and citing them for what they are doing  
17 illegally, let's just close that area down to them.

18           Do you see my point, Joe?

19           In other words, the issue at hand has got  
20 nothing to do with closing an area. That's just something  
21 they want to do, that they would love to do, sure, take it  
22 all.

23           The issue at hand is the gear and the gear that  
24 was used and whether it was used correctly and whether it  
25 is a legal gear. That's an enforcement issue. That is

1 not an area closure issue. We don't close areas just  
2 because somebody is using a piece of gear we don't agree  
3 with.

4 COMMISSIONER DANIELS: We are not closing the  
5 commercial fishing; just the gear type that you just  
6 stated.

7 Correct?

8 COMMISSIONER BOSARGE: That's another question I  
9 have because the very first motion that was put forth was  
10 a motion to exclude haul seines, and, then, the next one  
11 was a one-mile commercial net exclusion zone, and, now,  
12 I've seen a one-mile commercial finfish exclusion.

13 How does it read, Joe?

14 JOE JEWELL: A couple of things, and I will read  
15 back into the record some of the statements that were made  
16 at previous meetings for clarification.

17 One, I agree this is not a resource issue. We  
18 are talking about fifty thousand pounds. You can divide  
19 fifty thousand pounds any way you want, halves, thirds,  
20 quarters, a thousand different ways. It is still fifty  
21 thousand pounds.

22 COMMISSIONER BOSARGE: Spotted Seatrout, are  
23 they overfished?

24 JOE JEWELL: According to the latest stock  
25 assessments and the update --



1           COMMISSIONER BOSARGE: (Interposing) Not the  
2 update. The one we have now. I'm talking about the  
3 latest data we have.

4           JOE JEWELL: They are not overfished, but they  
5 are still below the twenty percent SPR that the Commission  
6 established.

7           COMMISSIONER BOSARGE: Who catches most of the  
8 fish?

9           which sector produces most of the fish?

10          COMMISSIONER HAVARD: We don't have accurate  
11 data on that. On the commercial side, we've got it  
12 because we get trip tickets, but on the recreational side,  
13 we don't have it now. We are pulling some numbers. We  
14 are guessing. We are not measuring.

15          COMMISSIONER BOSARGE: Wait a minute, now.  
16 That's the best science available. That is not guessing.

17          You want to use science when it affects you,  
18 when it helps you, but not when it doesn't.

19          The best science available, the latest stock  
20 assessment, I've got the numbers. I think last year it  
21 was seven hundred thousand pounds.

22          My point is if it is a resource issue and we are  
23 worried about protecting the resource, you are going after  
24 the wrong sector.

25          COMMISSIONER DANIELS: Steve, if I could, I ran

1 some numbers in preparing for this meeting and thought  
2 about it, and there has been a lot of this talk about  
3 unlimited catch for recreational and fifty thousand pounds  
4 for commercial, and I'm not telling you that I'm not  
5 against raising the commercial quota, but sensibly, I  
6 decided to run a few numbers.

7 I asked for recreational licenses that were  
8 issued last year which were seventy-three thousand five  
9 hundred and forty-six.

10 On this one, I am guessing a little bit, but  
11 let's say there are eighty percent of those that are  
12 Spotted Seatrout fishermen. That puts us a fifty-eight  
13 thousand eight hundred and thirty-six.

14 Seven hundred and twenty-five thousand five  
15 hundred and twenty pounds divided by that number of  
16 people, that is twelve point three three pounds per  
17 angler.

18 If you divide the fifty thousand pound quote by  
19 two hundred and ten speckled trout endorsements, that is  
20 two hundred and thirty-eight pounds per fisherman.

21 It is kind of skewed, whenever you try to say  
22 unlimited versus fifty thousand pounds. We've got way  
23 more recreational fishermen than we have commercial  
24 fishermen in Mississippi.

25 COMMISSIONER BOSARGE: I don't understand your

1 point you are trying to make.

2 COMMISSIONER DANIELS: Well, you are bringing up  
3 the unlimited numbers versus the fifty thousand pounds.

4 I understand the fifty thousand pounds.

5 If we look at per angler, we are talking twelve  
6 pounds to two hundred and thirty-eight pounds.

7 COMMISSIONER BOSARGE: Let's look at it in a  
8 different manner. If the resource was divided fair and  
9 equitable between both user groups, as the law says, then  
10 the commercial sector would have half of seven hundred and  
11 twenty-five thousand pounds, and you would have way more  
12 fishermen dividing that seven hundred and twenty-five  
13 thousand pounds because we have actually got enough  
14 fishermen that can go make a living catching that amount  
15 of fish.

16 Right now, they have only got fifty thousand  
17 pounds and that limits the number of fishermen you have.

18 COMMISSIONER DANIELS: Well, we don't have  
19 balanced numbers between recreational and commercial.

20 COMMISSIONER BOSARGE: Why would you want --  
21 that makes no sense.

22 Recreational, that's a recreation.

23 COMMISSIONER DANIELS: It's a ratio.

24 COMMISSIONER HAVARD: We are losing sight of the  
25 whole problem here. It is a gear issue. It is not a

1 commercial versus recreational issue.

2 COMMISSIONER BOSARGE: If it's a gear issue,  
3 identify the gear, but don't close that gear to an area.  
4 That makes no sense.

5 COMMISSIONER HAVARD: I know a guy that has been  
6 fishing thirty years with a haul seine net and he was told  
7 that he could take his monofilament gill net and bring it  
8 down and get a bag sewed on the end of it and fish it just  
9 as he always has because they call it a haul seine net.

10 COMMISSIONER BOSARGE: A haul seine is all in  
11 the way you use the net.

12 COMMISSIONER HAVARD: It has nothing to do with  
13 mesh size.

14 Is that what you are telling me?

15 COMMISSIONER BOSARGE: If you want science, it  
16 actually states where the mesh size at times is better  
17 because it releases more fish. They don't have to go  
18 through the process of being pulled down and into the bag.

19 We can argue these facts back and forth.

20 COMMISSIONER HAVARD: We could.

21 COMMISSIONER BOSARGE: And my point is you are  
22 discriminating against a group of fishermen and trying to  
23 take an area away from them.

24 This is wrong in all accounts of everything.

25 If you want to look at the gear, let's look at

1 the gear.

2 In my opinion, it's an enforcement issue. If  
3 they are doing wrong, light them up.

4 COMMISSIONER HAVARD: But there is no definition  
5 of any net, Steve. No definition.

6 It is somebody's opinion that this is not an  
7 entanglement device. It's an entrapment device. That's  
8 somebody's opinion.

9 These are gill nets that have been sewn on with  
10 a bag.

11 COMMISSIONER BOSARGE: Then, let's work on that,  
12 but we don't need to take area away the fishermen just  
13 because you don't like them being there which is what it  
14 amounts to.

15 COMMISSIONER HAVARD: I think we need to talk  
16 about it and solve it all.

17 COMMISSIONER BOSARGE: There are ten thousand  
18 different ways that this is wrong.

19 I'm going to ask Ms. Chesnut to explain one  
20 thing for me, if I can get back to where I was.

21 COMMISSIONER GOLLOTT: Mr. Chairman, can I say  
22 something?

23 COMMISSIONER BOSARGE: Yes, sir, by all means,  
24 Commissioner Gollott.

25 COMMISSIONER GOLLOTT: I think this could be

1 argued for the rest of the day and you are not going to  
2 accomplish anything. It sounds to me like this is going  
3 to have to end up in court like another case that we had  
4 one time.

5 why don't we just make a motion and go with it  
6 because it is going to end up in court anyhow?

7 COMMISSIONER BOSARGE: We've got a bunch of  
8 people that want to speak in public comment.

9 COMMISSIONER GOLLOTT: Oh, okay. That's good.

10 COMMISSIONER BOSARGE: Also, I want to make one  
11 other point. When you first made your motion, your motion  
12 was for a one-mile haul seine exclusionary zone around Cat  
13 Island.

14 Correct?

15 COMMISSIONER HAVARD: That sounds pretty close.  
16 I'm not reading the minutes like you are.

17 COMMISSIONER BOSARGE: Then, when we came to the  
18 next meeting it had changed from that to one-mile  
19 exclusion zone around Cat Island.

20 I questioned, at that meeting, how did we get  
21 from that motion to this motion.

22 I can read the minutes because I've got the  
23 minutes, but I would like to know who changed the motion  
24 and, Ms. Chesnut, if it was you, what authority did you  
25 have to change the motion without prior approval of the

1 Commission?

2 SANDY CHESNUT: When we were looking at the  
3 regulations, we noticed the wording in the current  
4 regulation included commercial nets. To maintain  
5 consistency, the staff and I looked at it to keep it  
6 consistent, make it for Cat Island as well.

7 There are several different reasons for that  
8 because there are enforcement issues, if you have one area  
9 of Cat Island closed and another area of this closed.

10 Now, that was a recommendation by the staff made  
11 to the Commission. The Commission did not have to go  
12 along with that. The Commission could have voted no, we  
13 don't want all commercial nets. We just want haul seines.

14 COMMISSIONER BOSARGE: The way that procedure  
15 took place, though, was wrong, in that if that was the  
16 intention of the staff and of yourself, then, that should  
17 have been brought out at the Commission meeting and asked  
18 for us to vote on it to change it.

19 Instead, it was changed, and, then, once I  
20 brought it up, then it was asked to be voted on, if my  
21 memory serves me correctly.

22 I just want to get your response on the record.

23 SANDY CHESNUT: I have always advised the staff  
24 that when the Commission asks them to do something, if  
25 they see something that they feel would be a better

1 approach, they should bring that before the Commission,  
2 and that's what happened in this case.

3 To maintenance consistency and for enforcement  
4 purposes, a different approach was looked at and, like I  
5 said, the Commission did not have to go with that  
6 approach, if they didn't want to.

7 JOE JEWELL: That is correct. Commissioner  
8 Havard's original motion was for a one-mile exclusion zone  
9 with haul seines. It specifically mentioned haul seines.

10 We were requested, or we had discussions about  
11 the consistency with that specific recommendation, or that  
12 specific motion, and how it comported to the current  
13 regulations and in that specific chapter, Chapter 4.

14 An agency decision was made to modify that  
15 motion, or amend that language to include all nets that  
16 fell under that chapter, and I read that into the public  
17 record on a couple of different occasions, but it gives a  
18 specific class.

19 I think Mr. Ryan Bradley, at the July meeting,  
20 questioned which nets would be involved. I addressed that  
21 issue. I addressed it again in August. I can do it  
22 again.

23 It specifically lists certain gear types under  
24 that particular provision, and these proposed regulatory  
25 changes would only impact those specific gear types.



1           That is what was presented to the Commission in  
2 August.

3           COMMISSIONER GOLLOTT: Let me say this, Joe.

4           I agree with the Chairman. We should never  
5 change any wording, without coming before the Commission  
6 because it changed the whole meaning of this thing.

7           When you changed it to all nets, it's not just a  
8 haul seine, and, then, you include shrimp nets and  
9 everything else.

10          SANDY CHESNUT: That's not true. The shrimp  
11 nets are regulated by another regulation. They would not  
12 fall under the all nets.

13          This would be pertaining to all the nets that  
14 have always been prohibited in these areas. It doesn't  
15 bring in any more into this regulation.

16          COMMISSIONER GOLLOTT: Well, I had someone tell  
17 me it would include shrimp nets.

18          It is easier to come back to the Commission and  
19 find out the meaning of it, or the person who made the  
20 motion, than it is just to change it and not say anything.

21          JOE JEWELL: Let me point out to the Commission,  
22 before we go any further, that at the July meeting what  
23 exactly was clarified and put on public record.

24          I have the minutes here. I believe I have read  
25 these a couple of times into the Commission public

1 minutes, so I think we should do it again here.

2 Specifically, Commissioner Bosarge asked:

3 "Can we get some clarity from Joe?"

4 "Is this going to be a commercial net ban,  
5 or a commercial haul seine ban around Cat  
6 Island?"

7 And I respond to that request:

8 "The section of the language that it is  
9 addressing and that the changes would  
10 take place on is Section 101 under  
11 Chapter 4, and this is the explanatory  
12 chapter that all other subsequent  
13 sections are under and it reads:

14 'It shall be unlawful for any person,  
15 firm, or corporation to catch, take,  
16 carry away, any saltwater fish, by or  
17 with any gill net' --

18 Now this is what we are referencing, these  
19 are the specific nets that it would impact.

20 -- 'trammel nets, purse seines, seines,  
21 fish traps, or other like contrivances.'

22 My understanding of those other like  
23 contrivances are variations of the nets that I just  
24 listed.

25 COMMISSIONER BOSARGE: Joe, go back to the

1 minutes and you've got to read it, and that debate was all  
2 about consistency within the islands.

3 JOE JEWELL: That happens a little later on.

4 This is in response to what you and Commissioner  
5 Gollott had brought up, why did it change from haul seines  
6 to include these types of nets.

7 COMMISSIONER BOSARGE: And the reasoning, part  
8 of Ms. Chesnut's reasoning, just like what you are  
9 referring to, was to make these consistent.

10 JOE JEWELL: That's correct, be consistent with  
11 the other islands.

12 COMMISSIONER BOSARGE: That argument doesn't  
13 hold water, in that all the other islands are Federal  
14 islands. They are Federal National Seashore. They do not  
15 have Federal regulations that prohibit commercial net  
16 fishing. They have regulations that prohibit commercial  
17 activity, period.

18 There are no regulations that specifically  
19 prohibit commercial net fishing around those islands, so  
20 that argument holds no water.

21 JOE JEWELL: We had this discussion in previous  
22 Commission meeting, as you recall, and I think the  
23 statement I made, unlike the other Gulf Islands National  
24 Seashore islands, Petit Bois, Horn -- I listed those into  
25 the record -- Ship Island, Cat Island, the State of

1 Mississippi retained the waterbottoms rights.

2 COMMISSIONER BOSARGE: Correct.

3 JOE JEWELL: In the instance of all the other  
4 Gulf Islands National Seashore islands, Mississippi gave  
5 up the rights within one mile of the shoreline.

6 That is not the case with Cat Island. I have  
7 stated that before. We own all the way up to the  
8 shoreline. The shoreline has a definition. The State of  
9 Mississippi, through the Secretary of State's office,  
10 administers all waterbottoms in the State of Mississippi.

11 COMMISSIONER BOSARGE: My point is, though, if  
12 you were amending the motion to make everything fit better  
13 to what is already there, that doesn't work because it is  
14 two totally different sets of regulations for those  
15 islands versus Cat Island.

16 JOE JEWELL: I think that's a fair assessment.

17 SANDY CHESNUT: But Round Island is not a  
18 Federal island.

19 Right?

20 JOE JEWELL: That's correct.

21 SANDY CHESNUT: And Round Island is not included  
22 in this.

23 COMMISSIONER HAVARD: Nor Deer Island.

24 JOE JEWELL: Round Island and Deer Island are  
25 not included. This specifically addresses the commercial

1 activities around Cat Island.

2 I guess I'm hearing some discussion about how  
3 and why it changed.

4 I think counselor Chesnut has addressed that.

5 The Commission does have, or they can do -- I  
6 have listened to counsel. They can go back to the  
7 original motion which was, one-mile exclusionary zone  
8 around Cat Island for haul seines.

9 Now, the language that was presented in the  
10 Commission before was to incorporate all commercial  
11 fisheries for specifically those gear types that I just  
12 read into the record.

13 COMMISSIONER BOSARGE: What I understood is that  
14 the reason it was changed was because if we would have  
15 only outlawed one piece of gear, that is unconstitutional.

16 Therefore, we changed the regulation to make it  
17 constitutional, but, in doing that, we changed the whole  
18 scope of what we originally intended.

19 We can go back and forth, and this is probably  
20 something that won't be settled here. Let's move on.

21 JOE JEWELL: I hope I have addressed all of the  
22 questions.

23 Commissioner Havard, have I addressed all of  
24 your questions?

25 COMMISSIONER HAVARD: We could beat a dead horse

1 all day long. It's the same stuff we have heard. The  
2 minutes have documented that we have talked before.

3 We can hear public comments and move on.

4 COMMISSIONER BOSARGE: The only other thing I  
5 would suggest, as I did receive an email -- I think  
6 everybody else did -- that if we wanted to go into closed  
7 session to talk about these State statutes and how they  
8 may, or may not, affect us, before you make a decision.

9 COMMISSIONER HAVARD: And, then, we can argue  
10 about what a like contrivance is. I'm not here to argue.

11 COMMISSIONER BOSARGE: I think we need to listen  
12 to some public comment here.

13 Are you okay with that?

14 JOE JEWELL: Absolutely.

15 COMMISSIONER BOSARGE: Mr. F. J. Eicke.

16 F. J. EICKE: Good afternoon Chairman Bosarge,  
17 Commissioners, General Spraggins, Ms. Chesnut.

18 I'm appearing as a representative of the board  
19 of directors of CCA, Coastal Conservation Association of  
20 Mississippi.

21 with regard to the issue that was just  
22 discussed, it seems to me from a legal standpoint that  
23 once the staff was asked to present a motion and did, as  
24 Ms. Chesnut said, consistent with the general provisions  
25 of what the section is that is being changed, the

1 Commission passed that.

2 To me, I believe can talk about it from now on  
3 until whenever, but the fact is we do not have a  
4 definition of the haul seine. We do have a definition of  
5 nets, as Commissioner Havard said, as flimsy a definition  
6 as that might be.

7 what I'm making to you, now, is a statement, a  
8 summary statement of what have we actually talked about in  
9 the past.

10 You are absolutely right, Commissioner Bosarge.  
11 This issue has been going on for a good year because the  
12 original statements that we put before the Commission had  
13 to do primarily with the Pascagoula area, and it was the  
14 interest that was generated by the Cat Island activity  
15 that lead to where we are today.

16 So the statement I would make to you is that we  
17 now know that the haul seines are disproportionate, in  
18 terms of their catch data.

19 we had the unfortunate thing, in the meeting  
20 that I was not at, where the Commission was advised that  
21 the speckled trout quota had been exceeded for the year,  
22 on the basis of the first part of the season, and that  
23 created a bit of a crisis and a lot of interest on the  
24 part of the public, as well as the Commissioners. That  
25 disrupted the season.

1           General Spraggins made the statement that was  
2 quoted in the press that it was unfortunate that this  
3 happened. It really put a number of people in a position  
4 where they could no longer harvest Spotted Seatrout for  
5 2018, and that is unfortunate.

6           I mentioned that the eastern Jackson County area  
7 is where the first reports came into me, and they came in  
8 in a form that said the gill nets are back.

9           That is an issue that we can debate, in terms of  
10 the nets that are being used.

11           We have no definition of a haul seine.

12           In our looking at the history of this issue  
13 generally and really a gill net issue, we found that we  
14 did propose way back in the nineties a definition that  
15 apparently never got into the statutes of the State of  
16 Mississippi, and that might be the way that we have to  
17 approach it in the future to where we do address it as a  
18 broader issue.

19           I think we all know that Cat Island is a  
20 sensitive area and we can do some things and what we are  
21 proposing to do now --

22           COMMISSIONER BOSARGE: (Interposing) Your time  
23 is up.

24           F. J. EICKE: -- but I would offer that CCA is  
25 willing to work with the Commission, in terms of insuring



1 that we have the least impact on the Cat Island grasses.

2 Thank you.

3 COMMISSIONER BOSARGE: Thank you.

4 Geneva Gentry.

5 GENEVA GENTRY: I decline.

6 COMMISSIONER BOSARGE: She declines.

7 Christopher Rhodes.

8 CHRISTOPHER RHODES: Hello. I'm Christopher  
9 Rhodes with the Mississippi Commercial Fisheries United  
10 group.

11 I want to start by just addressing that Biloxi's  
12 heritage started with fisheries, and we have our seafood  
13 festivals. There are pictures everywhere in the Great  
14 Southern Club and our hospitals. All over the Gulf Coast  
15 is spread with pictures of our seafood industry.

16 When you look at the goal of this net ban, with  
17 the opposing side being on conservation, it is mentioned  
18 that it was brought up by one of the CCA members because  
19 his phone would not stop blowing up and all his social  
20 media outlets.

21 I ask that data be reported about this. I ask  
22 that you look at the total numbers being looked at for  
23 everyone. That would be fair and equitable.

24 I ask that you look at things that aren't just  
25 numbers, that you look at things like harvesting large

1 trout that reproduce and go up in the wintertime in the  
2 rivers, those trophy trout, as people call them, that get  
3 mounted on walls.

4 As it was previously stated here, there is no  
5 real data, and I ask that that also be done.

6 whether you are commercial, or recreational, we  
7 all want the same thing. We want to preserve what we have  
8 here. We also want to make a name for Biloxi that we  
9 keep.

10 I come from a long commercial fishing family and  
11 this was brought up because they overfished. I believe --  
12 correct me if I'm wrong -- it was due to a -- the numbers  
13 weren't reported in time and it wasn't a very substantial  
14 number, poundage that was gone over, and I ask that that  
15 also be looked at.

16 In regards to recreational fishing, I ask that  
17 data be reported for a booming population that continues  
18 to grow here. It is Biloxi's goal. We are a tourism  
19 state, and we like to bring in more people. There has  
20 been more real estate, more businesses. We are definitely  
21 booming here. Nobody can deny that.

22 Also, the mortality rate. What is not mentioned  
23 is the fish that go back. It doesn't matter if they have  
24 a hook in their gill, their gill plate, or a treble hook  
25 like a three treble hook lure, that's not reported data,

1 but it's science. It doesn't matter if it goes in a  
2 cooler, or if it dies. When you look at the total numbers  
3 in conservation, that should also be reported.

4 That's all I have.

5 COMMISSIONER BOSARGE: Thank you, and I will  
6 make one comment. In my hometown in Jackson County, it is  
7 chiseled in the corner of the courthouse. Two industries  
8 are represented. One is a welder. The other one is a  
9 fisherman.

10 CHRISTOPHER RHODES: Thank you.

11 Mr. Frank Parker.

12 FRANK PARKER: Good afternoon Commissioners.

13 My name is Frank Parker. I'm a sixth generation  
14 full-time commercial fisherman here in Biloxi. I'm the  
15 president of Mississippi Commercial Fisheries United.

16 Like Commissioner Bosarge said, this is a gear  
17 use problem. Just outlawing altogether would be like if  
18 somebody catches two undersize speckled trout, let's just  
19 shut down the whole recreational sector.

20 I think we can work as an industry with the  
21 biologists here, with the Commissioners and we can make  
22 some kind of law that I think both sides win.

23 I just ask you to please use some commonsense.  
24 There is a lot of stuff today going on, but vote no.

25 Thank you and God bless.

1 COMMISSIONER BOSARGE: Thank you.  
2 Mr. Tommy O'Brien.

3 TOMMY O'BRIEN: My name is Tommy O'Brien. I'm a  
4 commercial net fisherman.

5 Just for the record, I oppose the one-mile  
6 exclusion zone around Cat Island. It is unlawful and the  
7 worse case of discrimination I have seen in a long time.

8 It is being proposed with no scientific data to  
9 prove we are harming, or overfishing, these resources.

10 Thank you.

11 COMMISSIONER BOSARGE: Thank you.

12 Cecily O'Brien.

13 CECILY O'BRIEN: Hi Commissioners.

14 My name is Cecily O'Brien, and I would like to  
15 submit into the record these thirteen letters opposing the  
16 Cat Island net ban, and I would also like to say I have  
17 completely worn myself out over this issue.

18 I have talked it and talked it and talked it,  
19 and a lot of people are listening and a lot of people are  
20 just ignoring what we have all had to say, in trying to  
21 support ourselves.

22 I appreciate you. Thank you.

23 COMMISSIONER BOSARGE: Thank you.

24 Next will be Mr. Ryan Bradley.

25 RYAN BRADLEY: Again, I always enjoy addressing

1 the Commissioners directly in a public meeting.

2 My name is Ryan Bradley. I'm the Executive  
3 Director of the Mississippi Commercial Fisheries United.

4 First, I would like to start off by saying  
5 according to NOAA's own information, a haul seine is  
6 defined as an encircling type of net made of mesh webbing  
7 and consisting of two wings and a bag, or a bunt. It is  
8 generally set from a motor or row boat, and hauled to  
9 shore by hand, or power wench.

10 Haul nets are perceived by other resource users  
11 as the cause of high mortality of undersized fish.  
12 However, qualitative and quantitative measures of these  
13 fisheries do not support such perceptions.

14 The results of a scientific study show that when  
15 catches are sorted properly in adequate water and in the  
16 absence of jellyfish, discarding from these fisheries  
17 could have negligible impacts on stocks.

18 Simple modifications to net material, or mesh  
19 size, were also shown to greatly reduce the levels of  
20 capture of unwanted fish.

21 The data suggests that potentially haul nets are  
22 a relatively benign mode of fishing that have minimal  
23 impact on benthic habitats and offer high rates of  
24 survival among these fish. Short tow speeds, short tow  
25 duration and shallow depths of operation contribute to

1 these positive attributes of haul nets.

2           Specifically, the monofilament nets are lighter  
3 and can thus be retrieved quicker which increases the  
4 survivability of the entire catch.

5           Additional scientific evidence that our  
6 organization has researched regarding seagrass, as  
7 Commissioner Havard has addressed, states:

8           “Seagrass can be scarred by many activities,  
9 but scars are most commonly made when a  
10 boat’s propeller tears up and cuts up the  
11 roots, stems and leaves of the seagrass  
12 producing a long narrow furrow devoid of  
13 seagrass.”

14           “The most common causes of damage to  
15 seagrass include when boaters misjudge  
16 water depth, when boaters who lack  
17 navigational charts, or the skill to  
18 use them, stray away from marked channels,  
19 when boaters intentionally leave marked  
20 channels to take shortcuts through  
21 shallow seagrass, when inexperienced  
22 boaters engage in recreational fishing  
23 over shallow seagrass flats, when boaters  
24 overload their vessels, when boaters  
25 intentionally prop dredge to create a

1 channel.”

2 “Additional science says that no linear  
3 trends in the annual hauling effort of haul  
4 seines over the period of 1984 to 1986 were  
5 evident.”

6 “In summary, haul sites in estuaries with the  
7 highest level of nominal effort were correlated  
8 with significant increases in shoot and leaf  
9 densities.”

10 COMMISSIONER BOSARGE: Time is up, Mr. Bradley.

11 RYAN BRADLEY: If you have any questions, I will  
12 be glad to answer.

13 I would just like to close by saying that when  
14 it comes to like contrivance, the definition of that, I  
15 think we would need to table this to have a declaratory  
16 opinion.

17 Any questions?

18 COMMISSIONER BOSARGE: You cited some more  
19 science.

20 Correct?

21 RYAN BRADLEY: Yes. I will present that  
22 science. I have copies, if each of the Commissioners  
23 would like to view that science.

24 COMMISSIONER BOSARGE: I would like for you to  
25 present it to where it can be put into the record.

1           RYAN BRADLEY: Okay. I have three different  
2 scientific documents.

3           One is titled, "Bycatch in Southeastern  
4 Australian Haul Seine Fishery, What are the Fishery  
5 Impacts by Grade", CA 2004.

6           The other scientific document that we have is  
7 titled, "Physical Effects of Hauling on Seagrass Beds", by  
8 Dr. N. M. Holloway of the Fisheries Research Institute.

9           The third one is a scientific document on  
10 Florida seagrass by F. J. Sargent, et al, 1995, titled,  
11 "Scarring of Florida Seagrass Assessment and Management  
12 Options".

13           I have a copy for each of the Commissioners  
14 here. If it's okay, I would love to give you a copy.

15           If you want to disregard the best available  
16 science, that is certainly your right to do so.

17           COMMISSIONER HAVARD: I do have one question for  
18 you, Mr. Bradley.

19           Some months ago, you gave me your personal  
20 opinion of what we need to do with these nets and the  
21 daily limits.

22           Do you care to share that with the public?

23           RYAN BRADLEY: Well, I think there are a number  
24 of management measures that we could implement to come up  
25 with a sensible compromise besides totally banning the



1 nets.

2 There are things like putting an endorsement on  
3 a haul seine, a qualifier, a limited entry.

4 COMMISSIONER HAVARD: Your personal opinion was?

5 RYAN BRADLEY: That was a personal opinion off  
6 the record.

7 would you like this science, or would you like  
8 to disregard it (indicating documents).

9 JOE JEWELL: Give it to Joe and he will pass it  
10 to us.

11 RYAN BRADLEY: Thank you, Commissioners.

12 Any more questions?

13 COMMISSIONER BOSARGE: Thank you.

14 I believe we are at the end of the public  
15 comment period.

16 Any more discussion?

17 COMMISSIONER GOLLOTT: Excuse me. One question.

18 How far do those grass beds go off of Cat  
19 Island?

20 Does anybody know?

21 Is it a hundred feet, three hundred feet, ten  
22 thousand, or what?

23 COMMISSIONER BOSARGE: It's according to where  
24 you are on Cat Island.

25 JOE JEWELL: That's right. I was looking for

1 someone from Coastal, but I think they have all gone.

2           There is actually a map that is available. Some  
3 of them come pretty close to the shoreline. Some of them  
4 are deep. It depends on what species.

5           We can make that available for the Commission,  
6 if you would like.

7           COMMISSIONER BOSARGE: How deep and how long are  
8 they?

9           COMMISSIONER GOLLOTT: I would like to see just  
10 how far those grass beds go out.

11           JOE JEWELL: We can provide that for y'all.

12           COMMISSIONER BOSARGE: Refresh my memory, Joe.

13           JOE JEWELL: We are at the motion phase, or  
14 whatever other action, or decision, the Commission would  
15 provide.

16           The Notice of Intent has been filed. It has  
17 been approved. It's on the Secretary of State's  
18 administrative bulletin.

19           The final adoption is up for consideration. If  
20 that's the way the Commission wants to move, they would  
21 have to make a motion and second it and vote on it.

22           If not, there are all the other options I  
23 mentioned before.

24           COMMISSIONER GOLLOTT: Let me ask you a  
25 question.

1           what was the final motion, since y'all changed  
2 it?

3           JOE JEWELL: What would happen is --

4           COMMISSIONER GOLLOTT: (Interposing) The first  
5 motion, what was that?

6           JOE JEWELL: That was for haul seines only, and  
7 this would impact the list of nets that --

8           COMMISSIONER GOLLOTT: (Interposing) Is that  
9 the one that you went out for?

10          JOE JEWELL: Not the haul seines. The one that  
11 is out on Notice of Intent right now is this language  
12 right here that would ban that list of nets that I  
13 mentioned, and it has a whole group of them, purse seines,  
14 trammel nets, those that I read.

15          COMMISSIONER BOSARGE: This is where I get a  
16 little confused because, if you look on the agenda, there  
17 is something totally different. On the agenda, it says:

18                 "One-Mile Commercial Finfish Net Exclusion Zone  
19                 around Cat Island."

20          JOE JEWELL: Well, the reason why it had finfish  
21 in there is simply what I read to you, the title of the  
22 chapter. This chapter affects the commercial finfish  
23 industry.

24                 It is not affecting the crab industry, or the  
25 shrimp industry, or any other industries. It specifically

1 addresses --

2 COMMISSIONER BOSARGE: (Interposing) But here  
3 again, one word changes the meaning.

4 JOE JEWELL: I have listened to the Commission.

5 The Commission has some choices right now. The  
6 Commission can move forward. The Commission can withdraw  
7 the Notice of Intent. The Commission can withdraw it,  
8 and, then, require us to go back with the Notice of Intent  
9 with the original language for the haul seines. The  
10 Commission can table it.

11 All those options that I explained at the  
12 endorsement are available to the Commission absolutely.

13 If the Commission is not happy with the way that  
14 language reads and what was submitted here and in the  
15 public meeting, the Commission can refuse that, decline  
16 that.

17 COMMISSIONER BOSARGE: To me, in the effort of  
18 compromise, or anyway you want to look at it, would be to  
19 not look at a closure area.

20 Let's look at the gear, let's define the gear,  
21 let's define how it is used, and surely that will solve  
22 the problem.

23 Anyhow, we are where we are.

24 JOE JEWELL: There has to be some action.

25 COMMISSIONER HAVARD: I would like to make a

1 motion for final adoption of regulatory changes to Title  
2 22, Part 5, Chapter 4, Commercial Net Closure Areas and  
3 Gear Size Restrictions, Section 101.04, which removes Cat  
4 Island from seasonal openings, adds Section 101.05  
5 establishing a one-mile commercial net restriction zone  
6 around Cat Island, and renumbers all sections after the  
7 newly created Section 101.05.

8 COMMISSIONER BOSARGE: We have a motion on the  
9 table.

10 Do we have a second for that motion?

11 COMMISSIONER DANIELS: I will second the motion.

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

14 We are going to do a roll-call vote.

15 Any more discussion?

16 COMMISSIONER GOLLOTT: Let me say this. I'm  
17 against it because changing that wording means a different  
18 thing to me, and I am strictly against the staff changing  
19 any words without going back to the Commission. I don't  
20 care what word it is.

21 Sometime I don't understand what is going on and  
22 it might be a word that I understand a certain way and  
23 somebody else understands a different way.

24 This is really a gut-wrenching decision we have  
25 to make here. We don't have to really make this until --

1 what is it -- next February?

2 I think it is something we can look at further,  
3 Mr. Chairman.

4 COMMISSIONER BOSARGE: I ask for a roll-call  
5 vote.

6 Commissioner Harvard, how do you vote?  
7 Signify by saying yes, or no.

8 Yes, you are for the closure, or, no, you are  
9 not.

10 COMMISSIONER HAVARD: I am for the closure.  
11 What is the reason for doing this any  
12 differently than we normally do?

13 COMMISSIONER BOSARGE: To put it on the record.  
14 The other way, you don't know who voted for  
15 what.

16 COMMISSIONER HAVARD: I thought she documented  
17 it.

18 COMMISSIONER BOSARGE: Commissioner Bosarge, I  
19 vote no, against.

20 Commissioner Harvard voted yes.

21 Commissioner Daniels?

22 COMMISSIONER DANIELS: Yes.

23 COMMISSIONER BOSARGE: Commissioner Daniels  
24 votes yes.

25 Commissioner Gollott?

1 COMMISSIONER GOLLOTT: No.

2 COMMISSIONER BOSARGE: Commissioner Gollott  
3 votes no.

4 That is a two-to-two tie. The motion fails.

5 COMMISSIONER GOLLOTT: Let me say this. What  
6 that means is neither one of us won. It will have to go  
7 back and be redone again, and I'm sure it will be.

8 I'm not sure about voting no. Maybe I should  
9 have voted yes and go ahead and get this thing in court,  
10 but it is what it is right now.

11 I think it can be refined and make it a whole  
12 lot better.

13 COMMISSIONER BOSARGE: I think there are some  
14 things we can do.

15 We can work with that man right over there, give  
16 him the tools he needs to make sure that if somebody is  
17 doing wrong, I will say it again, write them up  
18 (indicating Keith Davis).

19 Thank you.

20 JOE JEWELL: Next on the agenda for Marine  
21 Fisheries for the Commission's consideration is  
22 establishing the Mississippi Oyster Task Force, and that  
23 will be presented by Ms. Kristina Broussard.

24 KRISTINA BROUSSARD: My name is Kristina  
25 Broussard, and I'm going to present on the establishment

1 of the Mississippi Oyster Task Force.

2 Mississippi Code 49-15-25 gives the CMR the  
3 authority to appoint an advisory counsel for the oyster  
4 industry.

5 The purpose of the Mississippi Oyster Task Force  
6 is to optimize Mississippi's oyster fishery through  
7 increased communication within the fishery and to make  
8 recommendations to the DMR and the CMR.

9 Goals of the Mississippi Oyster Task Force will  
10 be to identify problems within the oyster fishery and any  
11 possible solutions, to encourage conservation of the  
12 resource and its habitat, and to improve the overall value  
13 of the oyster fishery.

14 Objectives for the meetings will be to identify  
15 and prioritize challenges within the oyster fishery, to  
16 make recommendations to the CMR pertaining to the oyster  
17 fishery that are based on sound biological and economic  
18 principles, and to take appropriate steps such as  
19 preparation of proposed legislation to resolve any  
20 problems, or issues.

21 Membership of the Oyster Task Force would be  
22 fourteen members, seven voting members and seven non-  
23 voting members.

24 For the seven voting members, we would have two  
25 dealers and processors, two tongers, two dredgers and one



1 aquaculture representative.

2 For the non-voting members, we would have one  
3 CMR Commissioner as a representative, one Marine Patrol  
4 officer, one Marine Fisheries scientist, one oyster  
5 aquaculture scientist, a representative from the Gulf  
6 Coast Research Lab, an elected official and, also, the  
7 MDMR chief scientific officer.

8 At this point, it is required to have a motion  
9 to proceed with the establishment of the Mississippi  
10 Oyster Task Force.

11 COMMISSIONER GOLLOTT: Can I ask you who brought  
12 this up?

13 who brought this to proposing this?

14 JOE JEWELL: Commissioner Havard asked us to  
15 bring this forward.

16 COMMISSIONER GOLLOTT: Listen, we've got five  
17 Commissioners up here and we can't decide on how to go  
18 with the oyster industry. We've got all kinds of  
19 scientists behind us and everything.

20 why would we establish a commission, another  
21 commission to tell us how to vote?

22 I mean, we've got some of the best staff and  
23 we've got people on this Commission that have been in the  
24 industry for thirty years.

25 I'm totally against this, always have been. I

1 guess that's why they waited until I was out of the  
2 picture to propose it.

3 KRISTINA BROUSSARD: It gives us an opportunity  
4 to engage the industry and to have a group of people  
5 together that have been part of the industry and --

6 COMMISSIONER GOLLOTT: (Interposing) What do we  
7 have hearings for?

8 We give them a chance to come talk to us every  
9 meeting. We engage the public and we engage the fish  
10 industry. We don't need another commission to listen to.

11 COMMISSIONER BOSARGE: You and I have different  
12 views of it.

13 Me, I look at the way the management decisions  
14 are done in other states and in the federal government.

15 I guess for us the closest example would be  
16 Louisiana and their oyster task force and their shrimp  
17 task force and their crab task force.

18 I know, even on the Federal side, they are not  
19 called task forces, but advisory panels, and I'm a member  
20 of several advisory panels.

21 Commissioner Gollott, in all honesty, if you  
22 were involved in it, I think you would see how well it  
23 works and how the issues are brought -- can you go back to  
24 the makeup of the task force?

25 KRISTINA BROUSSARD: Yes, sir.

1           COMMISSIONER GOLLOTT: With all due respect, Mr.  
2 Chairman, I was involved with it. I was on the shrimp  
3 task force for the government, and it stunk to high  
4 heaven. It was just a group, a little group inside of  
5 that controlled all of the meetings and everything, and  
6 that's the reason I got out of it because it was so  
7 unfair.

8           COMMISSIONER BOSARGE: I'm still a member of the  
9 Gulf of Mexico Shrimp Advisory Panel, and I have got to  
10 say we have had some joint meetings.

11           The last one of those joint meetings was with  
12 the Coral and Shrimp Advisory panels, and we hashed out a  
13 lot of issues and came up with some substantial changes,  
14 and actually agreed on some places that we could close to  
15 protect the coral and places we could leave open and turn  
16 the boxes where they fit better for the fishermen.

17           Those are the kinds of things that need to take  
18 place in these task force meetings to where when it comes  
19 to us, they have already talked about all of this. They  
20 have already made these decisions. They have done all the  
21 homework. You've got all of the stakeholders there in one  
22 room.

23           The only thing that I would say, from me and my  
24 standpoint, I would like to see this panel put together  
25 with the stakeholders you have and those names put

1 together by the staff, but I would like this Commission to  
2 have input as to yea, or nay, if those people fit.

3 COMMISSIONER GOLLOTT: And where does the  
4 decision go?

5 Does it go to the legislature, or what?

6 Are they going to change ordinances, or are they  
7 going to make motions?

8 COMMISSIONER BOSARGE: No, sir. It would be --  
9 I'm trying to think of an example.

10 For example, the season. In other words, it is  
11 coming up here in a minute where we've got to decide what  
12 to do with the oysters.

13 We don't have to make that decision. That group  
14 right there, they have already all hashed it out. You've  
15 got dealers/processors, tongers, dredgers, aquaculture,  
16 you've got one of us Commissioners and you've got Marine  
17 Patrol. You've got everybody represented in a group to  
18 sit down and hash these things out.

19 COMMISSIONER GOLLOTT: And, then, they've got to  
20 bring them to us and we are going to make that decision?

21 KRISTINA BROUSSARD: Yes, that's correct.

22 COMMISSIONER BOSARGE: Then, they bring those  
23 decisions to us.

24 KRISTINA BROUSSARD: We are doing that already.

25 COMMISSIONER BOSARGE: The difference is, we are

1 all arguing among one another. Let them to do that in a  
2 closed session.

3 JOE JEWELL: I do want to interpose here these  
4 task forces -- we had the Crab Task Force and we had the  
5 Charter For-Hire Task Force -- they are not regulatory, or  
6 governing, bodies. All they do is meet and discuss the  
7 issues and make recommendations.

8 Sometimes those recommendations come to the  
9 Marine Commission and their chairman, or the DMR  
10 representative presents those to the chairman, for the  
11 Commission to consider.

12 That does not make them a regulatory body, or  
13 superposing the Commission's authority. All they do is  
14 give you input and provide advice on their perspective as  
15 representatives of their industry.

16 If it was the Oyster Task Force, there would  
17 clearly be a potential that they would vote and make  
18 recommendations for this season, and the Chairman would  
19 come and present those to the Commission.

20 The Commission could act on them, or not act on  
21 them. It's just more information.

22 COMMISSIONER GOLLOTT: How much success have you  
23 had with these, Joe?

24 JOE JEWELL: Well, I know exactly what you are  
25 discussing, now. We have had a lot of success with the

1 Crab Task Force. It clearly is the most successful and,  
2 right on the heels of that, is the Charter For-Hire Task  
3 Force. They clearly understand their roles. They clearly  
4 understand the process.

5 I act a parliamentarian for them and they follow  
6 pretty much the proceedings like you do here at the  
7 Commission.

8 Now, I know the Oyster Task Force that was  
9 dismantled by our previous Executive Director was not a  
10 very functional one. There was a lot of conflict. There  
11 was a lot of user-group discussion and disagreement, and  
12 they never could agree. Some of the people left the task  
13 force. There were just a few people in the very end.

14 I do agree with Commissioner Bosarge for y'all  
15 to provide input, and make decisions on who y'all think  
16 the best representatives are. We just suggested ones that  
17 we thought would make the best representatives.

18 COMMISSIONER BOSARGE: And, Commissioner  
19 Gollott, I understand where you are coming from and I'm  
20 with you, but, at the very least, we need to try it.

21 COMMISSIONER GOLLOTT: We tried it.

22 COMMISSIONER BOSARGE: Well, you tried it, but  
23 that was a lot of years back, and there have been a lot of  
24 changes since then.

25 To me, from what I've seen in being on a lot of

1 these advisory panels, it is all in who is running the  
2 meeting, whether they can control it, take care of it,  
3 make headway with it.

4 Traci, she is sitting right there. She proved  
5 that to me in that Crab Task Force. She did a hell of a  
6 job.

7 Anyhow, I see Mr. Eicke with his hand up.  
8 Mr. Eicke, come up and be recognized.

9 F. J. EICKE: I'm F. J. Eicke. I guess I'm  
10 representing CCA again.

11 It is interesting that there are two tongers on  
12 there.

13 I don't know how many licensed recreational  
14 tongers there are.

15 JOE JEWELL: There are a few.

16 F. J. EICKE: Joe says there are few. I don't  
17 know what a few is. A few could be two, or three, but, if  
18 there are substantial numbers, I think there should be  
19 some provision for a recreational tonger to be on this  
20 task force as a voting member.

21 COMMISSIONER BOSARGE: I don't have a problem  
22 with that. We've got a recreational crabber on the Crab  
23 Task Force.

24 F. J. EICKE: And I agree with that and the same  
25 thing I guess you could say for shrimpers.

1           We sometimes feel like we are left out of the  
2 process, and it would be nice to have a recreational  
3 component on all of these task forces for that matter.

4           COMMISSIONER BOSARGE: Joe has something to say.

5           JOE JEWELL: I do want to point out for the  
6 record that both of our task forces, the Charter For-Hire  
7 and the Crab Task Force, they have recreational components  
8 on those task forces.

9           It would be nothing to add one, and we do have  
10 recreational tengers.

11           COMMISSIONER BOSARGE: Commissioner Gollott,  
12 would you be totally against doing this on a let's-see-  
13 how-it-goes basis?

14           COMMISSIONER GOLLOTT: Listen, I'm totally  
15 against it because I've been down that road before and  
16 I've been in a room with them and they all start fighting  
17 and it gets into a mess.

18           You were in a couple of those meetings over in  
19 the Pass when they all got in a big argument and they  
20 left.

21           I just think that we've got five Commissioners.  
22 We were appointed by the governor. We are confirmed by  
23 the senate.

24           If we can't listen to the people that we  
25 represent and we have to have somebody come in and tell us



1 how to plant oysters, give me a break. I mean, I've been  
2 doing this stuff over thirty years.

3 COMMISSIONER BOSARGE: It's more than planting  
4 oysters. There are a lot of things. We are fixing to  
5 have some roads we are going to have to cross here, and I  
6 would much rather have a consensus from a large group than  
7 I had just these five people trying to make those  
8 decisions.

9 COMMISSIONER GOLLOTT: Believe me, you are not  
10 going to get a consensus.

11 COMMISSIONER DANIELS: Could I make a comment?

12 COMMISSIONER BOSARGE: Yes, sir.

13 COMMISSIONER DANIELS: I was able to attend the  
14 Charter For-Hire Task Force last week, and there was an  
15 issue that they were wanting to talk about in there.

16 I went in there not really knowing what to  
17 expect, but I knew there were two different sides, and I  
18 was very impressed with the way that the opposing sides  
19 were able to hash it out, talk it out and come up with a  
20 general consensus of what the charter industry would like  
21 and wants to see.

22 It actually swayed my opinion of the issue, once  
23 I went in, my first opinion. It gave me an idea of which  
24 way to go.

25 I think it is a valuable thing.

1           COMMISSIONER HAVARD: I agree. Eight or ten  
2 minds are much better than five. These guys can talk  
3 freely. They don't have to be on record with anything.  
4 They can hash it out.

5           I think it's a great move to add a task force to  
6 almost anything and, if it gets out of hand, shut it down.  
7 It's some people that actually care enough to have some  
8 decent conversations about it.

9           COMMISSIONER GOLLOTT: Mr. Chairman, it sounds  
10 like you've got the votes.

11           COMMISSIONER HAVARD: At this point, I would  
12 like to make a motion to proceed with establishing the  
13 Mississippi Oyster Task Force.

14           COMMISSIONER BOSARGE: Could we add to that  
15 motion just a little bit?

16           COMMISSIONER HAVARD: Yes, sir.

17           COMMISSIONER BOSARGE: I have some compromise  
18 here. I would like to see this group have some input. I  
19 want the names to come from the staff, but I want this  
20 group to have input as to whether we feel those people are  
21 the right people for the task force, and, in an effort to  
22 try to compromise with Commissioner Gollott, let's don't  
23 make this permanent.

24           KRISTINA BROUSSARD: Okay.

25           COMMISSIONER BOSARGE: Go ahead. Mr. Joe wants

1 to say something.

2 JOE SPRAGGINS: Why don't we do this?

3 You go ahead, if you want to do this and do the  
4 motion, and we will bring the names forward to you and get  
5 them passed by you, before it goes forward.

6 COMMISSIONER GOLLOTT: How long do you want this  
7 thing to last, Mr. Chairman?

8 COMMISSIONER BOSARGE: Commissioner Gollott, me  
9 personally, I would love to see it go for just a year. I  
10 would think that would be an amount of time that it would  
11 take to determine if this is going to be any good, or not.

12 We may find out in two months that this is not  
13 going to work and, at that time, bring it back to us and  
14 we will do away with it just as fast as we put it in.

15 I would like to see it for one year, sunset at  
16 one year.

17 COMMISSIONER HAVARD: And I would also like to  
18 see a recreational representative on there because there a  
19 lot of them.

20 COMMISSIONER BOSARGE: On the Crab Task Force,  
21 we have a recreational crabber.

22 The reason I was on there is because I was a  
23 shrimper, and shrimpers and crabbers interact with the  
24 gear. That was my purpose for being on there.

25 JOE JEWELL: My understanding is the Commission

1 is accepting the motion that the staff has provided, but  
2 they are making two amendments to it.

3 One is for a sunset clause for one year, for the  
4 Commission to reconsider it after one year.

5 The second is to add a recreational  
6 representative to the task force.

7 COMMISSIONER HAVARD: That's correct.

8 with those changes, I would like to make a  
9 motion to proceed with the establishment of the  
10 Mississippi Oyster Task Force.

11 KRISTINA BROUSSARD: There was one more addition  
12 to it, that the names of the members will be approved by  
13 the Commission. That would be three amendments to the  
14 motion.

15 COMMISSIONER BOSARGE: Go ahead and read your  
16 motion into the record.

17 COMMISSIONER HAVARD: I would like to make a  
18 motion to proceed with establishing the Mississippi Oyster  
19 Task Force upon Commission approval of representatives.  
20 The task force shall include a recreational representative  
21 and shall be established for a period of one year.

22 COMMISSIONER BOSARGE: We have a motion.

23 Do we have a second for that motion?

24 COMMISSIONER DANIELS: I'll second it.

25 COMMISSIONER BOSARGE: We have a motion and a

1 second.

2 Any further discussion?

3 (No response.)

4 COMMISSIONER BOSARGE: All those in favor aye.

5 (All in favor.)

6 COMMISSIONER BOSARGE: Opposed like sign.

7 (None opposed.)

8 COMMISSIONER BOSARGE: Motion carries.

9 KRISTINA BROUSSARD: Thank you.

10 COMMISSIONER BOSARGE: Commissioner Gollott, I  
11 know how that affects you. I just hope that we can prove  
12 you wrong and you will come back saying that was right.  
13 That's my wish. I hope that's what happens.

14 COMMISSIONER GOLLOTT: Okay.

15 JOE JEWELL: Thank you, Commissioners.

16 Next up for your consideration is the 2018-2019  
17 oyster season update presented by Mr. Erik Broussard.

18 ERIK BROUSSARD: Good morning Commissioners,  
19 Director Spraggins, Ms. Chesnut.

20 This afternoon, I have the 2018 oyster season  
21 update prepared for you. It will also include our annual  
22 reef assessment.

23 Before we get into the reef assessment, I wanted  
24 to go over some cultch planting efforts that have taken  
25 place over the last twenty-four months.

1           we have completed four cultch plants. Spring of  
2 2017 is in the green boxes. Fall of 2017 is in the yellow  
3 boxes. Spring of 2018 is in the orange boxes. Fall of  
4 2018 is in the red boxes.

5           These sites were selected through our square  
6 meter dive program which identifies good bottom type.

7           we have also looked at what reefs have been  
8 productive and kind of heavily cultch planted those areas  
9 versus areas that haven't been.

10           A good example of that is you can see Henderson  
11 Point has some heavy cultch plant efforts versus Pass  
12 Marianne that has been more prone and susceptible to low  
13 DO and disease predation.

14           Out of these four cultch plant activities, we  
15 cultch planted about eight hundred acres of reef.

16           Here is the same map for St. Joe. St. Joe is  
17 the smallest of the dredging reefs. However, it has been  
18 the most productive. We cultch planted here more heavily,  
19 in proportion to the size of the reef, for that reason.

20           As you harvest, you are not just removing the  
21 oyster. You are removing the cultch as well. To augment  
22 the removal of that cultch material, we have heavily  
23 planted here to try to keep production up at St. Joe.

24           we are getting into the reef assessment. The  
25 reef assessments consist of one-minute dredge tows and

1 square meter dive sampling.

2 At each sample site, these parameters are  
3 collected; salinity, oxygen, bottom type, and things of  
4 that nature.

5 Also, the size frequency of live oysters. How  
6 many spat, how many seed and how many marketable size  
7 oysters do we have.

8 we also keep up with predators/competitors which  
9 would be oyster drills, hooked muscles, stone crabs and so  
10 forth.

11 Here we have the 2018 oyster reef assessment  
12 dive and dredge data.

13 This year's reef assessment consisted of sixty-  
14 four dredge tows and four hundred and sixty-four square  
15 meter dives for a total of five hundred and twenty-eight  
16 samples.

17 This slide is intended to do several things.

18 One, you can look at sample saturation. You can  
19 look at the coverage on each reef and see where the  
20 samples were and look at the coverage.

21 You can also see the dots. The sample sites in  
22 red are indicating samples that had no market-size oysters  
23 in them, and, then, you have the green that indicates at  
24 least one market-size oyster. That kind of gives you a  
25 sense of where the marketable size resource is, or is not.

1           Also, all of the data that we are going to get  
2 into, from this point on, comes from these sample sites,  
3 so you can keep that in your mind.

4           Here we have Waveland. Waveland is a very small  
5 five-acre reef. Traditionally this would not be included  
6 in the reef assessment. It would be insignificant in the  
7 grand scheme of things.

8           However, this was the best example we had to  
9 kind of show what we look for in spat, seed and sack-size  
10 oyster categories.

11           We will start off with the spat which we would  
12 call third year's crop. Ideally you would like to see  
13 twenty to thirty spat in a sample.

14           This crop is going to be three seasons out, or  
15 two years. This is a way to kind of have a little forward  
16 thinking.

17           Then, we have the seed category which is next  
18 year's crop. It will grow in late this season, or really  
19 be for next year.

20           Then, you have your marketable size oysters.

21           For your seed category, you would want to see  
22 ten to twenty seed per sample. For your sack category,  
23 you want to see somewhere between five and ten.

24           Also, with each slide, we will be providing a  
25 long-term data set so can get a trend to get an idea of



1 where this reef is going, or the direction it might be  
2 headed.

3 I will start with Biloxi Bay. This is a  
4 seventeen acre cultch site that was planted in June of  
5 2014. As you can see, very little spat, some seed and  
6 you've got your sack size of two point seven.

7 If you look in the top right, there is your  
8 trend over the last three years. It is down in all  
9 categories.

10 COMMISSIONER GOLLOTT: Erik.

11 ERIK BROUSSARD: Yes, sir.

12 COMMISSIONER GOLLOTT: Do you have any idea why  
13 it is down in all categories?

14 ERIK BROUSSARD: Yes, and this will be a common  
15 theme in several of these reefs.

16 Last year 2017 was the wettest year on record,  
17 and some of these reefs that are closer to the mouth of  
18 the bay systems saw some significant mortality due to the  
19 wetness of the year.

20 Also, that is a very small reef, and we had some  
21 significant harvest for the size of that reef and that  
22 took some of the cultch material and oysters out of that  
23 resource. It is only seventeen acres.

24 The Pass Christian Dredging Reef has nine  
25 hundred and thirty-three acres. You can see the spat

1 category is not exactly where we would like to see it, but  
2 it's a spike, if you look at your five-year trend, and  
3 seed and sack at zero.

4 We went back and looked at that spike. As you  
5 can see, in 16-17 and 17-18 there is virtually no data in  
6 our reef assessment.

7 We can associate that spike directly to our  
8 cultch planting efforts that I presented previously.

9 In a lot of those samples, we would see thirty,  
10 forty, fifty spat in a sample. When you average it out  
11 for all the samples, it kind of brings that total down,  
12 but we have seen a good spat set. So that is a nice sign.

13 COMMISSIONER GOLLOTT: And that's all of the  
14 tonging?

15 ERIK BROUSSARD: This right here is particularly  
16 for Pass Christian dredging, and there are a couple of  
17 other reefs where it is evident that the cultch planting  
18 efforts have had positive impacts.

19 The one thing with spat is it's not necessarily  
20 going to guarantee that that is going to translate into  
21 market-size oysters, but it is definitely a good sign.

22 Pass Christian toning, eight hundred and eighty-  
23 six acres. Again, all categories below one, but you do  
24 see an up tick in spat.

25 Pass Marianne, two thousand three hundred

1 seventy-two acres. This is historically our largest reef.  
2 It has also been the most productive reef historically,  
3 and you can see all categories below zero.

4 Henderson Point, one thousand two hundred nine-  
5 five acres. You have, again, some good spat set from the  
6 cultch planting efforts, and, then, you have very little  
7 seed and very little sack-size oysters.

8 This is contributed to some of the harvest in  
9 the last two, or three, years. This is important to see,  
10 and you can also look at the 17-18 year and see a strong  
11 spat class there and that was, again, from cultch planting  
12 efforts in 2017.

13 St. Joe, our smallest dredging reef at four  
14 hundred and seventy-three acres. This has been the most  
15 productive reef.

16 When you look at this one, you can see the sack  
17 category is maintained. However, we are lacking in spat  
18 and seed. This is where some of that forward thinking can  
19 be applied.

20 If you look back at 14-15 and 15-16, you have  
21 really good year classes and that is what has been able to  
22 help St. Joe sustain its productivity.

23 If you apply that looking forward, St. Joe may  
24 not be as productive in the future. We have heavily  
25 cultch planted. Hopefully, our reef assessment next year

1 will indicate that we have a good spat set and we can  
2 continue that production off that reef.

3 St. Stanislaus, this is a tonging reef and  
4 relatively small, but this is where a good bit of  
5 production came from last year and in the year before, but  
6 it fell susceptible to the heavy rains of last year and  
7 you can see that in your five-year trend.

8 17-18, has some good year classes, and, then,  
9 pretty much all the younger oysters died off and you still  
10 have one point three in your sack size category.

11 Between Bridges. This reef is between the  
12 bridges, as it says, between the High 90 and the train  
13 bridge and Bay St. Louis. So it is even closer to that  
14 freshwater source and, again, you can see where the  
15 freshwater has taken a toll.

16 Here we have an overall outline of the  
17 information we just went over. That is each reef, and,  
18 then, how many samples were taken out of each reef.

19 License sales, over the past three years, have  
20 been a little bit over three hundred. Last year was three  
21 eleven.

22 I checked yesterday and license sales are down  
23 significantly, but, a lot of times, they are waiting to  
24 see what kind of decisions are made here and what the  
25 information is, as far as what the season is going to look

1 like.

2 This is a 2008 through 2018 sack estimated  
3 versus sack harvested.

4 Your black bars are what the reef assessment  
5 indicated was on the reef, and your white bars are what  
6 the actual harvest was.

7 The black dotted line is going to be the long-  
8 term average over twenty years, and that is right around  
9 four hundred thousand. So, over the last twenty years, we  
10 have estimated, on average, there would be about four  
11 hundred thousand sacks on the reefs, and the green line is  
12 what we actually harvested which is about two hundred  
13 thousand, so we were harvesting at a rate of about fifty  
14 percent.

15 If you move down and look at the bottom right  
16 corner, you can see we are well below that for several  
17 years in a row, now, and you can also see proportionately  
18 that we were harvesting at a rate greater than fifty  
19 percent.

20 14-15, twenty-six thousand sacks of oysters  
21 harvested. 15-16, forty thousand sacks. 16-17, forty  
22 thousand sacks. Then, last year, ten thousand sacks, with  
23 that last year being the only year that we harvested below  
24 fifty percent, as the Commission chose to go with thirty  
25 percent quota.

1           It puts things in perspective that we are way  
2 off from where we want to be. When the resource is  
3 healthy in Mississippi, we should be at least two hundred  
4 thousand sacks a year harvested. We are looking at what  
5 decisions we can make to get us back in that direction.

6           Here we have a visual aid so you can associate  
7 sacks with reefs. This is Area V. This is the seventeen  
8 acre cultch site we talked about. The annual reef  
9 assessment predicts there are about six hundred and  
10 seventy-five total sacks of marketable-size oysters on  
11 this reef.

12           The same visual aid for the Western Sound and I  
13 will start on the top.

14           Area II "D", Between the Bridges, five hundred  
15 and fifty sacks of marketable-size oysters.

16           Right below it, St. Stanislaus, one thousand  
17 four hundred and twenty-seven sacks of marketable-size  
18 oysters.

19           Over to Pass Christian tonging, six hundred and  
20 fifty-two sacks of marketable-size oysters.

21           Below that, Pass Christian dredging, we had no  
22 catch in our sampling efforts.

23           Over to Henderson Point, two thousand sixty-four  
24 sacks.

25           Down at Pass Marianne, one thousand three

1 hundred and nine sacks of oysters.

2 The two improved areas which are Telegraph and  
3 Pelican, we had no catch.

4 Then, over to St. Joe, Area I "B", twenty-one  
5 thousand six hundred and one sacks of oysters.

6 Here is the same information in a table. The  
7 left column is reefs. The 2018 estimate, I have thirty  
8 percent quota here just as a place holder, since that is  
9 what the Commission chose last year.

10 To wrap this up, this is the worse reef  
11 assessment for the third consecutive year in a row.

12 with that, we have had some internal discussions  
13 and we decided to come forward to the Commission with some  
14 options. These are all options that have been discussed  
15 at Commission meetings over the last couple of years. We  
16 are not married to any one of these options.

17 I will start off with option one. No harvest  
18 for the 2018-19 oyster season.

19 Option two, a thirty percent quota by area for  
20 the 2018-19 oyster season.

21 Option three, limited 2018-19 season, with one  
22 week before Thanksgiving and one week before Christmas.

23 with that, I will open it up for discussion.

24 COMMISSIONER GOLLOTT: Mr. Broussard, limiting  
25 the oyster catch last year to thirty percent, did it

1 increase our oysters?

2           ERIK BROUSSARD: We adopted a thirty percent  
3 quota. We are at such critical levels every oyster is  
4 important. By leaving oysters, whether it is alive or  
5 dead, we need brood stock to put spat on these cultch  
6 plants and we need all the cultch material we can get.

7           I believe, yes, it did help the oyster resource.

8           This is going to be not a short-term fix. This  
9 is going to be the test of time of making good decisions,  
10 not just one good decision.

11           COMMISSIONER GOLLOTT: What is your estimate of  
12 the sacks that we have on the reefs collectively this  
13 year?

14           ERIK BROUSSARD: Total, would be twenty-seven  
15 thousand nine hundred and thirty-six. That is including  
16 Biloxi Bay.

17           If you just look at the Western Sound, it's  
18 twenty-seven thousand.

19           If you adopted thirty percent, it would be about  
20 eight thousand sacks.

21           COMMISSIONER HAVARD: Based on those trends you  
22 are showing, any other business in this world would be in  
23 dire trouble. Maybe that's not the way it works in the  
24 oyster world. Maybe they take care of themselves, but,  
25 based off of ten years, it is not headed in the right



1 direction.

2 COMMISSIONER GOLLOTT: Can you go back a couple  
3 of slides, Erik?

4 ERIK BROUSSARD: Sure. Tell me when to stop.

5 COMMISSIONER BOSARGE: Right there.

6 ERIK BROUSSARD: Okay.

7 COMMISSIONER BOSARGE: When we were at the two  
8 hundred thousand sack harvest level, where I see no catch,  
9 what was -- in other words, how productive were those  
10 reefs then?

11 ERIK BROUSSARD: Well, I know Joe is probably  
12 going to chime in because he was around back then.

13 Telegraph was productive. It hasn't been a  
14 productive, or viable, reef in six, or eight, years to my  
15 knowledge. Back then, it had plenty of oysters.

16 JOE JEWELL: These reefs, the two complexes, the  
17 Pass Marianne and Pass Christian reef complexes were  
18 extremely productive. That's where most of our oyster  
19 resources came from.

20 I know most of you Commissioners weren't here  
21 way in those years, but traditionally what happened we  
22 would have a preseason, breakup underutilized areas, a  
23 breakup of mussels. That was late September, or early  
24 October, and, then, we would move into the regular season.

25 Telegraph was a viable reef and it is in the

1 approved area. We traditionally held that in reserve for  
2 when there was excessive pressure on the other reefs, and,  
3 then, we would open that up, but there were times when  
4 Telegraph was an extremely productive reef. This went on  
5 for over a decade.

6 On the graph that Erik put up there with the  
7 black bars and the white bars, you could see traditionally  
8 the approach by the Commission and DMR was never to  
9 harvest more than thirty, or forty, percent, even way back  
10 in those years.

11 I do want to say we heavily augmented that with  
12 cultch planting to keep the reefs viable, to keep the  
13 density, to keep all the things that we traditionally have  
14 done.

15 We have never really -- this staff has never  
16 really made recommendations for a no season.

17 The only time a no season issue developed was  
18 when we had a catastrophe, a storm, or an environmental  
19 event like BP.

20 The reason why we put that on there was for the  
21 Commission to consider all options, but the Commission can  
22 consider other options, other than the ones we have  
23 listed. Those are just the three that we have  
24 traditionally discussed over the last three, or four,  
25 years.

1           COMMISSIONER BOSARGE: I look at those areas  
2 with no catch, and, to me, that's a dead reef.

3           JOE JEWELL: They were very productive ten years  
4 ago.

5           COMMISSIONER BOSARGE: You have got to wonder,  
6 what's the culprit. I mean, there are nine million things  
7 it could be, but to ever get back to any serious  
8 production, those reefs have got to come back.

9           JOE JEWELL: A couple of things. I absolutely  
10 agree with that. I have been working with our Executive  
11 Director and we are trying to acquire as much funding as  
12 possible to provide as much cultch material out there as  
13 we can.

14           The thing that we need right now is a lot of  
15 cultch out there to catch spat. Once we start doing that,  
16 two, three, four, five years from now, we should see  
17 significant improvement in landings.

18           I have said this on the record before and I'm  
19 not trying to offend anybody, but, if you take one hundred  
20 percent of any living population, the expectation that it  
21 is going to grow and thrive is very limited.

22           Now, that's a different scenario when you are  
23 harvesting two and three hundred thousand sacks.

24           COMMISSIONER GOLLOTT: Wait a minute.

25           Come on. One oyster lays three million eggs.

1           JOE JEWELL: Now, that's in a vacuum.

2           This is an open estuarine system out here where  
3 there is predation going on, there's larval plant issues  
4 that go on, and there are environmental conditions.  
5 That's the reason why they produce so many eggs because of  
6 the limited survivability rate.

7           Now, the Commission can make whatever decision  
8 they want, and we certainly will help y'all and provide  
9 the data that is necessary.

10          We are at such low levels now that we are really  
11 in a tight place. There is really no good decision that  
12 can be made. There is no really good recommendation that  
13 the Shellfish Bureau and Marine Fisheries office can make.

14          You saw the total number down there. There are  
15 twenty-eight thousand sacks of legal-size oysters. We  
16 could do that in less than a month, when we were  
17 harvesting three and four hundred thousand sacks for a  
18 season.

19          I mean, we are really at the lowest production  
20 levels I have ever seen in the State of Mississippi.

21          COMMISSIONER GOLLOTT: What is your second year,  
22 Joe?

23          What are you estimating you will have?

24          In other words, if you don't harvest it this  
25 year, it should be ready for next year.

1           JOE JEWELL: I was very cautious about even  
2 putting that option on the recommendation list for the  
3 Commission to consider because, if y'all close it down for  
4 this year, I don't know how much that is going to help.

5           I mean, we are in such low production conditions  
6 right now it would take significant extreme measures by  
7 the Commission to get us anywhere so that it is a  
8 sustainable resource.

9           COMMISSIONER GOLLOTT: Where were we last year  
10 at this time?

11           what was your recommendation?

12           How many sacks were available?

13           ERIK BROUSSARD: Last year the Commission  
14 adopted thirty percent which was ten thousand. It would  
15 be twenty percent down this year.

16           COMMISSIONER GOLLOTT: About the same place we  
17 were last year.

18           Right?

19           JOE JEWELL: No. It's a little less.

20           COMMISSIONER GOLLOTT: Last year and this year?

21           JOE JEWELL: We are on a continuing decline, not  
22 gaining.

23           COMMISSIONER GOLLOTT: If we give you thirty  
24 percent and operate it the same way you did last year, you  
25 would still be coming ahead a little bit, wouldn't you?

1           JOE JEWELL: No. If we did thirty percent, we  
2 are estimating that would be eight thousand sacks.

3           Last year we harvested ten thousand sacks.

4           ERIK BROUSSARD: One thing to consider as well -  
5 - of course, this doesn't have a five-year trend, but it  
6 doesn't always equate one-one like that.

7           You have to have good spat and seed classes  
8 coming through which we have seen a small up tick, but  
9 that was just initially in the spat from the recent cultch  
10 planting.

11           There could be another dip next year and that  
12 also doesn't give any guarantees that that spat is going  
13 to make it two years down the road. There could be a low  
14 DO. There could be predators, disease, manmade and  
15 natural disasters.

16           COMMISSIONER GOLLOTT: Well, I do know we've got  
17 a lot of fishermen that depend on around Thanksgiving and  
18 Christmas to catch a few oysters to help supplement their  
19 incomes, and I'm surely not in favor of closing it all  
20 down.

21           I would like to give them fifty percent  
22 personally and just gamble on it because I don't think it  
23 is going to make any difference whether you've got thirty  
24 percent left out there, or fifty percent, or seventy  
25 percent.

1           Worse case scenario, give them thirty percent,  
2 the same as you did last year, because leaving seventy  
3 percent out there didn't do any good last year.

4           COMMISSIONER DANIELS: The seventy percent that  
5 we left out last year, is that why you think that you are  
6 seeing an increase in spat this year?

7           ERIK BROUSSARD: It can contribute, but it is  
8 really because of the heavy cultch planting efforts in the  
9 last two years. That has been the number one reason.

10          We went back and looked at some of the data  
11 specifically and it was correlated with cultch planting  
12 effort.

13          When you are talking about thousands and  
14 thousands of acres, if you don't have -- those reefs out  
15 there, there is not a lot of material. I don't even know  
16 if you can actually call it a reef. There is a reef  
17 footprint, but, when you go down and you dive, it is just  
18 a hard firm bottom.

19          Without any cultch, there is no shell because we  
20 either took it, or it has degraded, or it has been covered  
21 up with silt. That is the building block for the reef.

22          Without the building blocks, there is nowhere to  
23 go up.

24          These cultch plants are just the start of the  
25 part of restoration, and it is a long process.

1           COMMISSIONER GOLLOTT: From what I have seen  
2 over the years, probably not putting the cultch material  
3 back like we should have been, you know, people being  
4 greedy and selling the stuff instead of putting it back  
5 out there has really damaged the reefs.

6           The answer is cultch material planted, seed to  
7 go with it, and decent salinities out there that the  
8 oysters can grow in and they won't be eaten up by  
9 predators.

10           If we had a good spat set on those reefs, our  
11 oyster industry could come back in two years. Who knows  
12 what it would take to get that.

13           JOE JEWELL: Well, I think what we really need,  
14 at this point, is consistent spat set for it to start  
15 being a sustainable resource for the fishermen.

16           It's not simply some years we had good spat.  
17 Some years we had bad spat.

18           During the times that we were harvesting three,  
19 or four, hundred thousand sacks, there was so much  
20 resource out there, it augmented a bad spat set.

21           There is so little resource out there now, we  
22 really need to have continuous three, or four, years of  
23 excellent spat set and combined with cultch planting to  
24 get us out of this predicament we are in.

25           COMMISSIONER BOSARGE: Right now -- I mean, the



1 way I see it right now, we have got to be growing more  
2 oysters than we are harvesting.

3 If we are not growing more oysters than we are  
4 harvesting, then, we are going to continue the downhill  
5 slide.

6 We are trying to figure out a harvest number  
7 where we can continue to grow the resource because, right  
8 now, we don't have a resource.

9 I hear what you are saying, Commissioner  
10 Gollott, about no oyster spat and you are right, but the  
11 reason it takes so many oysters to populate is the  
12 survival rate of that spat is not that much.

13 Joe and I have been back and forth on this, and  
14 we are in a no-win situation. Anything we do right now is  
15 a no-win situation.

16 If you look at what Mr. Broussard has given us,  
17 we don't have any little oysters coming up.

18 COMMISSIONER GOLLOTT: Okay. I agree with you.  
19 We don't have any choice. We don't have any options.

20 Let's give them ten thousand sacks like we did  
21 last year and see what happens, and you are still at about  
22 thirty percent, or forty percent, is all you are  
23 harvesting.

24 In the past, the stopgap was always a three-inch  
25 oyster. They had to cull those oysters to three inches.

1 They had to leave everything out there that was not three  
2 inches.

3 COMMISSIONER BOSARGE: I would like to hear from  
4 the staff.

5 Chime in here. You are the scientist.

6 ERIK BROUSSARD: Absolutely, and here are the  
7 options. I think the data speaks for itself. We are  
8 talking about harvesting eight thousand sacks, ten  
9 thousand sacks, when we want to be talking about  
10 harvesting two hundred thousand sacks.

11 what are we going to do to head back in the  
12 right direction, even if it is a small step.

13 COMMISSIONER BOSARGE: We've got one person, I  
14 think, who wants to speak, Mr. Ryan Bradley.

15 RYAN BRADLEY: A couple of points I just want to  
16 make real briefly. We all know our oyster industry is in  
17 pretty bad shape right now.

18 On the thirty percent, I think we went a little  
19 bit too hard on this thirty percent. What I mean by that  
20 is we did thirty percent of each individual reef. I think  
21 we should try maybe just thirty percent of the entire  
22 western Sound, and just let these guys open it up and  
23 catch their thirty percent wherever that may be.

24 If we don't do that, maybe we just keep it  
25 closed for a year, or two, and see what happens.

1 I think it is important that we put these guys  
2 to work, in the meantime, with oyster relays, or cultch  
3 plants, whatever we can get them to do to keep them  
4 surviving in the industry because it's been about eight  
5 years now since the BP oil spill and to be honest, even  
6 ten thousand sacks when spread across the fishermen, it  
7 doesn't really pay for the repairs on the boats, fixing  
8 the winches, fixing the engines, repairing the boats.

9 when you add up what you made at the end of the  
10 year, it is still a net loss, but any little bit they can  
11 get is helpful.

12 I have one letter I would like to read into the  
13 record from the Congress of the United States. It is  
14 addressed to General Joe Spraggins, and it says:

15 "Dear Joe,

16 "We are writing to encourage the use of  
17 as many eligible commercial fishermen as  
18 possible in the upcoming oyster reef  
19 restoration and relay projects.

20 "Commercial oyster fishermen are familiar  
21 with the rigors of this type of work  
22 and the devastating effects on our oyster  
23 reefs from the 2011 opening of the  
24 Bonnet Carre Spillway continues to  
25 disrupt their way of life.

1           “Including the commercial fishermen  
2           would be helpful to our local economies,  
3           municipalities and commercial fishing  
4           communities, as Mississippi fisheries  
5           recover from the influx of the Bonnet  
6           Carre spillway.

7           “We appreciate the work that the  
8           Department of Marine Resources has  
9           done to restore these areas and  
10          revitalize natural resources in the  
11          Biloxi Bay and Mississippi Sound.

12          “We also understand the need to  
13          satisfy the state procurement liability  
14          insurance requirements in this project.  
15          We trust that the expertise of you and  
16          your staff will help ensure successful  
17          reef restoration efforts.

18          “The Department’s support for our  
19          local commercial fishermen in this  
20          oyster relay is much appreciated.

21          “We thank you for your consideration  
22          and we welcome any questions you may  
23          have on this matter.”

24          It is signed by the Honorable Steven  
25          Palazzo and the Honorable Roger F.

1 wicker, Senator with the U.S. Senate.  
2 If you would like a copy, I will leave this with  
3 Joe.

4 Thank you.

5 COMMISSIONER BOSARGE: Ms. Thai Vu.

6 THAI VU: Good afternoon Commissioners, General  
7 Spraggins.

8 My name is Thai Vu. I'm the Director of the  
9 Mississippi Coalition for Vietnamese American Fisher Folks  
10 and Families.

11 I would like just to really make several  
12 comments. They won't be very lengthy.

13 For years now, the fishermen here have been  
14 trying tremendously to help this agency get on the right  
15 path to help restore these reefs that are invaluable.

16 Not only do they provide income to support their  
17 families, they help the local economy, the regional and  
18 national economy. It is much more than that. It is not  
19 only to help them sustain their livelihood's cultural way  
20 of life. It is more than that. It is to help restore  
21 these reefs to be healthy again, thriving again.

22 We must come up with different strategies to  
23 approach the problems.

24 Why not start to open some of these reefs in  
25 Jackson County where there are clusters?

1           There is actually state statute where we used to  
2 have round table, where reefs were open in different  
3 counties throughout the years.

4           You wouldn't have reefs on only one side that  
5 would remain open while another county, those reefs remain  
6 closed for decades. That's not how it was originally.  
7 There are statutes about that.

8           why not let these fishermen who possess so much  
9 traditional ecological knowledge help this agency, please?

10          The industry is dying.

11          My organization, we go out and sample these  
12 reefs. We know how serious it is. It is way past time to  
13 let the fishing community help this agency and the staff.

14          we definitely do not want to take over any of  
15 your work, or role. We just want to help you to help our  
16 reefs get back to where they need to be.

17          Nothing is more important than the health of our  
18 reefs here, nothing in the Mississippi Sound. Everything  
19 else is dependant on the health of the reefs. That's why  
20 we have poor water quality.

21          why do we have other issues?

22          Because these species have been declining,  
23 particularly since BP, and it continues to decline.

24          we need to give opportunities for these  
25 fishermen to do some of these relays. They are the ones

1 that are disproportionately impacted. They cannot survive  
2 working several days a year.

3 It's not just them. It's our whole community  
4 and it's these reefs, too.

5 Thank you for the opportunity to comment.

6 COMMISSIONER BOSARGE: Thank you, Ms. Vu.

7 COMMISSIONER GOLLOTT: Can I ask a question,  
8 before we start again?

9 COMMISSIONER BOSARGE: Yes, sir.

10 COMMISSIONER GOLLOTT: What about relaying out  
11 of Pascagoula like we did last year and put them in Biloxi  
12 so those things can depurate and we can harvest, tong in  
13 Biloxi?

14 ERIK BROUSSARD: The Commission has approved to  
15 proceed with a relay. Right now it is going through the  
16 procurement process. The earliest possible date that that  
17 can take place, I believe, is December 6<sup>th</sup>. That is if  
18 everything goes well with Jackson.

19 COMMISSIONER GOLLOTT: well, we know we are  
20 going to do this again next year.

21 How about putting in now so maybe it would get  
22 through by November of next year?

23 I think we wait too late to get started on this  
24 stuff, procurement and all that stuff. They've got so  
25 many regulations to get stuff out of Jackson that it's

1 pitiful.

2 ERIK BROUSSARD: Well, there would be several  
3 factors that would need to be addressed before that.

4 Maybe the director can address some of that.

5 JOE SPRAGGINS: There were several things on  
6 that, Commissioner. There were a lot of issues of how to  
7 do it. That's what caused a lot of the delay. It was  
8 whether or not we were going to let the processors be  
9 involved, or were they not going to be involved, or  
10 whether there was going to be a direct move and we would  
11 just go in and have them moved by one group.

12 We tried every way in the world to work this,  
13 and when y'all gave us the decision that this is the way  
14 we could go, that's what we have done.

15 What Ryan Bradley read in, one of the things we  
16 were talking about there was that we would include all  
17 oystermen, and that's what we had to do. We had to make  
18 sure that everybody that was an oyster fisherman and would  
19 qualify would be included, and that took a lot of time.

20 I agree with you. I hate the red tape just as  
21 much as you do, sir.

22 If you know you are going to do this next  
23 October, then, we will put the paperwork in next week, if  
24 you tell us that.

25 COMMISSIONER BOSARGE: Well, where we are is we



1 have no resource and, in my opinion, to go in there and  
2 harvest more of what we don't have is negligible, but, at  
3 the same time, we can't totally lose our industry.

4 This relay. We may have a relay. These guys  
5 need to know that they are going to be involved and they  
6 some sort of income that they can depend on that is going  
7 to come.

8 Somehow or another, if we don't open it up, or  
9 we open it up limited, at some point in time, if this  
10 resource continues on the trend it's on now, there is  
11 nothing there.

12 We are going to have to come up with some means  
13 of these people being able to still have their licenses  
14 without having to pay for them, or something, where they  
15 will have an opportunity.

16 If you look at what you showed, three years is  
17 not going give you any recovery because the spat is not  
18 there.

19 Correct?

20 ERIK BROUSSARD: I we are looking at three  
21 years, and that's in ideal conditions.

22 COMMISSIONER BOSARGE: If we can get spat this  
23 year.

24 Do you see my point?

25 My point is just how many years down the road

1 are we really to a recovery?

2 It's not one, unless these oysters fall out of  
3 the sky, and that is not going to happen. It takes two to  
4 three years.

5 Until we see signs of a huge spat recovery where  
6 we've got a lot of spat and we have a lot of oysters  
7 coming up and we know we have a recovery in process, then,  
8 in my opinion, it's okay to go out there and harvest some  
9 of those oysters because we know we have oysters coming,  
10 but to look at what I see now, no oysters coming, and,  
11 then, go out there a harvest what we have left, it doesn't  
12 add up to me. That's just me.

13 Does someone else want to chime in?

14 COMMISSIONER GOLLOTT: The oysters in Pascagoula  
15 haven't been harvested in a hundred years.

16 COMMISSIONER BOSARGE: I agree.

17 COMMISSIONER GOLLOTT: I mean, they have been  
18 sitting there, and that's all they are doing is sitting  
19 there.

20 You are saying let's don't bother them, when we  
21 can take some of them and help these fishermen out.

22 COMMISSIONER BOSARGE: As long as we do it  
23 correctly, and I think the staff is looking at doing it  
24 correctly, and that's to harvest at the thirty percent  
25 level, and, then, clutch plant behind where you harvested.

1 Is that correct?

2 ERIK BROUSSARD: Yes. If the Commission  
3 recalls, y'all have approved how many sacks to be taken,  
4 the price per sack. That is all in the works.

5 COMMISSIONER GOLLOTT: We need to go ahead and  
6 get this thing going. Harvest some oysters out of  
7 Pascagoula and replant Pascagoula because we know that's  
8 an ideal nursery over there and they are not going to die.

9 You could go in that way and increase our supply  
10 over there where we know it is good and solid, instead of  
11 throwing money back in these reefs, and, then, we go out  
12 there next year and we haven't gotten any spat set for it.

13 ERIK BROUSSARD: Those options will be available  
14 as soon as December 6<sup>th</sup>.

15 For the sake efficiency, this is the decision  
16 that needs to be made here and we can discuss --

17 JOE SPRAGGINS: (Interposing) The decision you  
18 are talking, Erik, is money from the Bonnet Carre, or  
19 whatever, and it is not money that is going to be here  
20 next year to do it again.

21 We only have what, Joe, a million dollars left  
22 in that fund to do this?

23 JOE JEWELL: That's correct.

24 JOE SPRAGGINS: Once that million dollars is  
25 gone, we don't have another million, sir, to put in there.

1           JOE JEWELL: I do want to address the Executive  
2 Director's comments. That's correct. What he said is  
3 correct, but the staff and myself are working very hard,  
4 in coordination with Executive Director Spraggins, to  
5 secure funds for long-term cultch planting.

6           Like I said, at this point, the only management  
7 option to provide a sustainable resource to capture and  
8 keep in the system those commercial fishermen is to  
9 provide these long-term cultch planting programs to  
10 maintain and sustain the reefs.

11           Now, I do want to point out that if the  
12 Commission's will is to go with thirty percent, that  
13 option, it needs to be put in place like we did last year  
14 because, if we don't do it by area, everybody is going to  
15 go to St. Joe.

16           COMMISSIONER BOSARGE: I agree.

17           The question I have is, if we do a relay out of  
18 Pascagoula and we do thirty percent which I think is the  
19 number we came to, how many sacks of oysters did that wind  
20 up being?

21           Do you remember?

22           ERIK BROUSSARD: Out of Pascagoula?

23           COMMISSIONER BOSARGE: Yes.

24           ERIK BROUSSARD: It was a little over twenty  
25 thousand which y'all agreed on, minus the three thousand

1 one hundred that we took last year. It would end up being  
2 a little over eighteen thousand sacks of relay material,  
3 not market size.

4 COMMISSIONER BOSARGE: The point I'm making is  
5 that would be a much better payday and a much better  
6 scenario than taking what we have left over here in the  
7 Western Sound.

8 ERIK BROUSSARD: It would be more profitable.

9 COMMISSIONER BOSARGE: We are going to have to  
10 put pressure on you to make sure that happens, if we are  
11 putting all our eggs in that basket.

12 ERIK BROUSSARD: Yes. Sure.

13 JOE JEWELL: I absolutely agree. It is a very  
14 difficult position the staff is in and the Commission is  
15 in. We know these fishermen need to stay employed. This  
16 is their work, their industry, but we are also challenged  
17 with making this a long-term viability industry for them,  
18 and that's the challenge.

19 we have to keep them employed. We have to keep  
20 them part of the industry. We have to retain that  
21 knowledge base that they have, how to successfully  
22 harvest, but, then, we also have to balance that  
23 environmental management that we are required to do to  
24 provide not only a sustainable resource, but a long-term  
25 commitment.

1           COMMISSIONER BOSARGE: You and I have had some  
2 of these discussions where we talked about thinking  
3 outside the box and trying to come up with some different  
4 methods of how we could do plants and/or that would be  
5 more successful than what we are doing, now.

6           wasn't there a program put in place to do some  
7 experimental things?

8           Am I correct?

9           JOE JEWELL: We did discuss that.

10          Now, we are already implementing some very fine  
11 tuned cultch planting.

12          whereas in the past, we put a lot of material  
13 out there based on where we thought the reef was, now we  
14 are deploying cultch material based on bottom type which  
15 we get from our square meter grids, and we are also doing  
16 things like diversifying the cultch plants.

17          Instead of putting all of it in one place, we  
18 are breaking up into multiple places inshore and offshore,  
19 and we are doing multiple types of cultch planting. We  
20 are doing shell plants. We are doing limestone plants.

21          we have listened to the industry. We are trying  
22 to diversify in that area.

23          Now, I think what you are specifically referring  
24 to is the pine tree?

25          COMMISSIONER BOSARGE: I'm going to say it

1 again, Joe, and it goes back. My family comes from  
2 oysters. In other words, I, coming up, was involved in  
3 oysters. Tonging oysters, opening oysters, shoveling  
4 shells, it didn't matter.

5           Anyhow, there is a long history there, and I'm  
6 talking to my dad about oysters and oyster reefs.

7           And he tells me, he says, you know, Steve, he  
8 says, years back, when his dad and his dad's dad wanted to  
9 build a reef, they took a pine tree top, not one, but  
10 several pine tree tops and they would put them out in the  
11 location where the oysters were -- Joe, you and I have had  
12 this conversation -- and that vertical structure is at the  
13 water's surface.

14           If you go just about anywhere in this Back Bay  
15 and you look around the edges, the edge of wherever, a  
16 pier, marsh grass, it doesn't matter, there are oysters  
17 growing at the surface because that's where that spat was  
18 at and that's where it got stuck to, and, if you go right  
19 there, or anywhere in that area, and look for oysters on  
20 the bottom, you won't find them.

21           My point being when that spat is suspended in  
22 the water column, it is at the surface and, by putting  
23 those pine tree tops like they did years back at the  
24 surface, that spat stuck to all those limbs and leaves  
25 and, as that tree sat there and rotted, it falls to the

1 bottom.

2 I'm just saying, Joe, we have got to get outside  
3 the box.

4 ERIK BROUSSARD: That might be a good topic of  
5 conversation for the new task force.

6 COMMISSIONER BOSARGE: Maybe so.

7 what would be your recommendation for the  
8 season?

9 what is the staff's recommendation?

10 ERIK BROUSSARD: Again, we wouldn't have  
11 provided these recommendations, if we weren't comfortable.

12 we have had several intense debates over the  
13 years on what to provide to the Commission and what not to  
14 provide to the Commission, and we stand firm on what we  
15 present. If we wouldn't be comfortable presenting it, it  
16 wouldn't be up there.

17 JOE SPRAGGINS: You and the scientists here,  
18 what is your recommendation?

19 ERIK BROUSSARD: I can't in good faith say let's  
20 open up the season. when we should be talking about  
21 harvesting two hundred thousand sacks, we are talking  
22 about harvesting less than ten thousand sacks.

23 Again, the guy that represents the commercial  
24 fishing community said it is not going to be profitable  
25 for them to go out, so that's their end of it.



1           As a recourse manager, I have got to do what I  
2 feel like is going to get us back to where we need to be.

3           COMMISSIONER GOLLOTT: Bring back your slide,  
4 the one with your recommendations on it.

5           ERIK BROUSSARD: Yes, sir.

6           JOE JEWELL: Let's talk about that a little bit,  
7 and I will give you our recommendations.

8           The first option is no harvest this year. As  
9 y'all have described, that limits the industry  
10 participation, you have the potential of losing that  
11 institutional knowledge, it does a lot of things adversely  
12 to the commercial industry, and that's the dealers,  
13 processors, the restaurants, the whole chain of command  
14 that makes a living from the oyster industry, but, from a  
15 management perspective, it will have some impact on the  
16 resource.

17           As I said before, the issue now is there is so  
18 little resource out there that you would have to shut this  
19 thing down two, three, four years for that management  
20 decision to have an impact, so you've got to balance that  
21 thought.

22           COMMISSIONER GOLLOTT: Let me put this in there.  
23 If you do that, you kill the industry period.

24           JOE JEWELL: I absolutely agree with that. I  
25 agree you would lose all of that, if you shut it down more

1 than a year, but I don't know how much a year is going to  
2 help us when you are harvesting eight thousand sacks.

3 COMMISSIONER BOSARGE: All I could hope for,  
4 Joe, would be that you can work really hard and find us  
5 some more money and we can take these fishermen and  
6 continue to use them and continue to keep that industry  
7 alive --

8 JOE JEWELL: (Interposing) Absolutely. I agree  
9 with you.

10 COMMISSIONER BOSARGE: -- while we let this  
11 thing try to rebuild.

12 JOE JEWELL: That is probably not an option with  
13 our procurement process right now for this year.

14 Let's go on to option number two, thirty percent  
15 quota by area. I don't know how effective that was last year  
16 because we left the season open longer, we allowed them in  
17 the areas that traditionally they didn't go to, we added  
18 ten thousand sacks in Biloxi Bay.

19 We did things that were outside of that thirty  
20 percent quota, as Commissioner Gollott said, to try and  
21 retain those people in the industry and provide them a  
22 sustainable resource.

23 Four years ago we had about twenty-six, or  
24 twenty-eight, thousand sacks. The last two years, it has  
25 been over thirty thousand sacks, but that is not really

1 representative because last year, like I said, we did  
2 management things outside of thirty percent.

3 Now, last year it was ten thousand sacks. We  
4 are on a declining landing scenario here. Thirty percent,  
5 I don't know how effective it was.

6 I heard Commissioner Gollott say he feels  
7 comfortable anywhere between thirty and fifty percent.

8 I just don't see that as a sustainable option.  
9 There are no good options.

10 Then, the option three is a limited season  
11 before Thanksgiving and Christmas. That further  
12 constrains the market, it further constrains the  
13 fishermen's ability to make a living and be in this  
14 industry.

15 There are no good options up there. There are  
16 none that the staff and myself feel comfortable with.

17 Those are the pros and the cons. It is not  
18 going to be an easy decision by anyone.

19 COMMISSIONER GOLLOTT: Would you not agree it  
20 would give the people in Pass Christian who normally  
21 retail the oysters between Thanksgiving and Christmas a  
22 little shot in the arm and give the fishermen down there a  
23 little shot in the arm?

24 To me, that would be your best option.

25 ERIK BROUSSARD: Just as a disclaimer, there is

1 no guarantee that that one week would be open. If there  
2 was a rainfall event, the water quality would have to meet  
3 the standards, just so you know.

4 COMMISSIONER GOLLOTT: Why don't you do like  
5 last year, change it around and try to work them?

6 JOE JEWELL: If the Commission can vote and give  
7 us some variability, seven days, or ten days, before  
8 Thanksgiving and, if there were weather days, we can  
9 extend it to compensate for those total amount of days we  
10 have.

11 ERIK BROUSSARD: And you can apply multiple  
12 options. You could give us the flexibility to do two  
13 weeks, but, then, put a thirty percent quota. That way,  
14 once it opened up, it couldn't exceed, or you could put  
15 any kind of a cap on it that you see fit. There are  
16 options.

17 COMMISSIONER GOLLOTT: I understand, and I will  
18 make the motion that we go with the one you just  
19 mentioned, that we go with the two weeks, fourteen days,  
20 put a thirty percent quota for the maximum amount of  
21 oysters that can be harvested, starting -- what's a week  
22 before Thanksgiving?

23 ERIK BROUSSARD: Commissioner Gollott, just for  
24 clarity, if y'all want to talk about sack limits, if that  
25 is the direction you are going, you need to include

1 another motion for sack limits.

2 JOE SPRAGGINS: Thanksgiving is November the  
3 22<sup>nd</sup>.

4 JOE JEWELL: So it would be the week of the 12<sup>th</sup>.

5 COMMISSIONER GOLLOTT: That would give them time  
6 to harvest them and put them on refrigerated trucks and  
7 get them to the customers.

8 JOE JEWELL: And it would give us a couple of  
9 days of variability, if we had bad weather days.

10 COMMISSIONER GOLLOTT: Well, you would have all  
11 kinds of variabilities. The only restraints you have are  
12 the fourteen days and the thirty percent.

13 JOE JEWELL: Is that fourteen days for both  
14 Thanksgiving --

15 COMMISSIONER GOLLOTT: (Interposing) Total.

16 JOE JEWELL: Total?

17 COMMISSIONER GOLLOTT: Both Thanksgiving and  
18 Christmas.

19 JOE JEWELL: So a week before Thanksgiving and a  
20 week before Christmas?

21 COMMISSIONER GOLLOTT: Yes.

22 JOE JEWELL: So the motion would read to adopt  
23 recommendation three with a week before Thanksgiving, the  
24 thirty percent quota, with the staff having variability to  
25 make management decisions in adverse weather conditions.

1 SANDY CHESNUT: Starting November 13<sup>th</sup>?

2 JOE JEWELL: Commissioner Gollott suggested  
3 November the 10<sup>th</sup>.

4 COMMISSIONER GOLLOTT: Yes.

5 SANDY CHESNUT: Okay.

6 JOE JEWELL: It would give us a little bit of  
7 flexibility in there, if we had a couple of bad weather  
8 days.

9 COMMISSIONER BOSARGE: Joe, what are the chances  
10 of reaching the thirty percent in two weeks?

11 JOE JEWELL: There are two things. If the  
12 thirty percent applies to just the overall landings,  
13 probably pretty easily with what is available at St. Joe.

14 If we do the thirty percent by area, again, I  
15 think it would be pretty quick because everybody is going  
16 to go to St. Joe.

17 There is not enough resource spread out over a  
18 reef that is twelve hundred acres. They are making  
19 management decisions, business decisions. They are going  
20 to go to where they can get them the quickest, the fastest  
21 and be done.

22 COMMISSIONER BOSARGE: So we are going to wind  
23 up going to St. Joe and most likely catching our thirty  
24 percent at St. Joe.

25 ERIK BROUSSARD: That would be correct, and,

1 then, if we can pull back the presentation and go to the  
2 slide that has the breakdown, the reef assessment predicts  
3 that there are sacks of oysters on certain reefs. That  
4 doesn't mean that they are in a dense enough formation to  
5 be profitable.

6 Last year, when we went with the quota system,  
7 there were a thousand sacks left on the reef because the  
8 fishermen stopped fishing. It just wasn't profitable.  
9 They couldn't catch enough sacks in quick enough time to  
10 make it worth their while.

11 JOE JEWELL: We were caught in the circumstance  
12 where there were two hundred sacks left on the table on a  
13 particular reef, two or three hundred sacks, but the reef  
14 was fifteen hundred to eighteen hundred acres. Those  
15 couple hundred sacks were spread out all over those acres.

16 It was just not economically feasible for them to  
17 try and go catch them. They just quit fishing.

18 ERIK BROUSSARD: It does allow us the  
19 opportunity for them to go try for themselves, for them go  
20 out and fish, and, then, at least make an effort and find  
21 out for themselves.

22 JOE JEWELL: And there will be tongers that will  
23 go on the tonging reefs and tong.

24 There's not much tonging on St. Joe.

25 COMMISSIONER BOSARGE: We have a motion.

1 Do we have a second for that motion?

2 SANDY CHESNUT: We need to get the motion right,  
3 first.

4 Joe, what did you say about the staff having  
5 flexibility?

6 JOE JEWELL: The staff has the flexibility to  
7 assign bad weather days to meet the seven-day  
8 requirements.

9 If we start on the 10<sup>th</sup>, that is about twelve  
10 days before Thanksgiving, twelve or thirteen days.

11 We will open it on the 10<sup>th</sup>. If the weather  
12 conditions are good, it will run consecutively until they  
13 meet that quota, but, if there are bad weather days, the  
14 staff has to have the flexibility to have the management  
15 criteria -- we are going to have to deal with ISSC and  
16 Mississippi Rules -- the management flexibility to assign  
17 bad weather days.

18 SANDY CHESNUT: Is the thirty percent quota  
19 going to be by area?

20 JOE JEWELL: Commissioner Gollott, is it by  
21 area, or by total?

22 COMMISSIONER GOLLOTT: By area.

23 JOE JEWELL: Option three is by area. I'm  
24 sorry.

25 SANDY CHESNUT: So that should do it?



1           JOE JEWELL: I think Erik is going to make some  
2 clarifying comments.

3           ERIK BROUSSARD: This is just the western Sound  
4 we are considering here. I just wanted to make  
5 clarification for that.

6           Biloxi Bay would be separate. It doesn't  
7 typically open at the same time as the western Sound.  
8 There are very few sacks, and the Commission might not  
9 want to open up Biloxi at all, but just so we know  
10 because, when you looked at the slide twenty, Biloxi Bay  
11 was included in that thirty percent.

12          COMMISSIONER GOLLOTT: I would like to see us  
13 harvest a few oysters out of Biloxi Bay. I would like to  
14 see us relay a few out of Pascagoula to harvest out of  
15 Biloxi Bay, try to build that reef up and try to put some  
16 more oysters on that reef.

17          ERIK BROUSSARD: The relay, again, has already  
18 been approved and that is in motion, but, if you wanted  
19 Biloxi Bay open, that would probably need to be a separate  
20 motion because you would need to say when you wanted that  
21 to open and what the sack limit would be. It would need  
22 to be a separate motion.

23          Then, we would also need clarification on what  
24 you would like to see for sack limits for the western  
25 Sound.

1           JOE JEWELL: To clarify this, first, it should  
2 say the staff having management flexibility because that  
3 would include our management rules that we operate under,  
4 and, then, two, you need to state that this recommendation  
5 is for the western sound reefs.

6           COMMISSIONER BOSARGE: I'm going to ask the  
7 question one more time.

8           In your professional opinion, in that two-week  
9 time, will we harvest the thirty percent, or the eight  
10 thousand sacks?

11          ERIK BROUSSARD: Well, it depends on the sack  
12 limit, first, and it is going to depend on weather, but,  
13 in ideal conditions, last year we were harvesting about  
14 five hundred sacks a day.

15          COMMISSIONER BOSARGE: I guess you see my point?

16          ERIK BROUSSARD: Yes.

17          COMMISSIONER BOSARGE: My point is all we are  
18 doing is a thirty percent harvest and setting the time of  
19 the harvest.

20          ERIK BROUSSARD: Correct.

21          JOE JEWELL: That's correct.

22          There are no good options.

23          ERIK BROUSSARD: You are asking will the quota  
24 be filled under that circumstance?

25          Is that what you are asking?

1           COMMISSIONER BOSARGE: No. I'm stuck between  
2 that rock and a hard place and that is, yes, I want to see  
3 some way for these guys to make money, but, at the same  
4 time, I want to try to rebuild our resource, and I don't  
5 think that right now is the time we need to be harvesting  
6 thirty percent of what is left. Instead, we should be  
7 focusing on trying to keep our fishermen working doing a  
8 relay and leave that alone.

9           JOE JEWELL: Let me update the motion.

10           The way the motion was presented by Commissioner  
11 Gollott, it should say starting November 10<sup>th</sup> for seven  
12 days.

13           SANDY CHESNUT: Are we going to do the two  
14 weeks; one week before Thanksgiving and one week before  
15 Christmas?

16           JOE JEWELL: That's correct. So it would have  
17 to say seven days before Thanksgiving and seven days  
18 before Christmas. That would be the exact motion.

19           SANDY CHESNUT: Now, if you do for seven days,  
20 then, you don't have that flexibility.

21           JOE JEWELL: Well, if we open it on the 10<sup>th</sup> --  
22 Thanksgiving is the 22<sup>nd</sup> -- that is twelve days. It would  
23 stay open for a maximum of seven days, but, if there were  
24 a couple of weather days, we would have four days to  
25 reassign --

1           COMMISSIONER BOSARGE: (Interposing) We will  
2 take a five-minute break, while Joe gets all of this  
3 ironed out.

4                           MEETING STANDS IN RECESS

5           COMMISSIONER BOSARGE: I call the meeting back  
6 to order.

7           Mr. Joe, did you get all of our motions  
8 straight?

9           JOE JEWELL: We did. I think the motion is as  
10 it appears on the screen, and I will read that into the  
11 record.

12           Adopt option three for the Western Sound with  
13 thirty percent quota by areas starting November 10<sup>th</sup> for a  
14 maximum of seven days and, again, on December 10<sup>th</sup> for a  
15 maximum of seven days, with staff having the management  
16 flexibility to assign bad weather days.

17           COMMISSIONER BOSARGE: That's the motion.

18           Do we have a second for that motion?

19           (No response.)

20           COMMISSIONER BOSARGE: We have no second for the  
21 motion. The motion fails.

22           What do we do now?

23           JOE JEWELL: Sandy, if the Commission takes no  
24 action, they cannot reach a decision on a motion and makes  
25 no decision today, then, we don't have the management

1 flexibility to open a season.

2 Is that correct?

3 SANDY CHESNUT: That's correct.

4 JOE JEWELL: If you take no action, the season  
5 won't open.

6 COMMISSIONER BOSARGE: To me, I see the better  
7 option. I'm going to have to hold somebody's feet to the  
8 fire, but not to have a season, leave those oysters alone  
9 and make sure we have a relay.

10 JOE SPRAGGINS: Sir, y'all ordered the relay.  
11 We are going to do the relay. We are just waiting on the  
12 process to get through, and, then, that is going to be for  
13 seventeen thousand sacks of oysters, or something like  
14 that.

15 Is that what we figured?

16 ERIK BROUSSARD: It was a little over eighteen  
17 thousand sacks at I want to say --

18 JOE SPRAGGINS: (Interposing) Not to exceed  
19 thirty-three dollars per sack, or something like that.

20 ERIK BROUSSARD: Not to exceed thirty-three  
21 dollars a sack.

22 JOE SPRAGGINS: I think it was thirty dollars a  
23 sack, not to exceed thirty-three.

24 COMMISSIONER BOSARGE: To me, for the resource,  
25 it is the most logical thing to do.

1 I will make a motion that we take option one, no  
2 harvest.

3 COMMISSIONER DANIELS: I've got a question here.  
4 when did you say would be the earliest date for  
5 a relay to happen?

6 ERIK BROUSSARD: The earliest possible date is  
7 December 6<sup>th</sup> of 2018.

8 COMMISSIONER DANIELS: of 2019?

9 COMMISSIONER BOSARGE: 2018.

10 COMMISSIONER DANIELS: Could we do a one-week  
11 season before Thanksgiving, with the second week being  
12 contingent on whether or not we can get the relay done for  
13 them so they can make money there?

14 COMMISSIONER BOSARGE: To me, that's acceptable.

15 I just don't want to go there and take thirty  
16 percent of that resource, when we don't have a resource.

17 COMMISSIONER DANIELS: I agree with you on that,  
18 but, at the same time, these guys have got to have  
19 something to eat for Thanksgiving.

20 we could give them a week and let them make  
21 money there. If we are able to get this relay done, they  
22 could make their money there, and we could leave the  
23 second half of that alone.

24 COMMISSIONER BOSARGE: I'm good with that.

25 I will amend my motion to do a one-week harvest,

1 the same motion we had.

2 JOE JEWELL: Essentially the same motion, but to  
3 subtract Christmas out of the motion, contingent on the  
4 relay.

5 COMMISSIONER DANIELS: Make the second week-long  
6 season contingent on being able to -- if we can get that  
7 relay done, then, we will not have a need for the second  
8 season.

9 JOE JEWELL: Right, but, if the relay does not  
10 occur, then, will we have the second season?

11 COMMISSIONER DANIELS: They have got to eat.

12 COMMISSIONER BOSARGE: We can have the  
13 discussion.

14 COMMISSIONER HAVARD: This thirty percent is in  
15 total?

16 COMMISSIONER BOSARGE: No. Thirty percent per  
17 reef, just like you had it laid out before.

18 SANDY CHESNUT: We could bring it back in  
19 November to decide on the December season.

20 Right?

21 ERIK BROUSSARD: Correct.

22 SANDY CHESNUT: We should know by then if the  
23 relay is going to take place.

24 COMMISSIONER GOLLOTT: I'll second that, Mr.  
25 Chairman.

1           COMMISSIONER BOSARGE: Do we need to read the  
2 motion back in?

3           SANDY CHESNUT: Commissioner Bosarge, you made  
4 the motion.

5           Is that correct?

6           COMMISSIONER BOSARGE: Yes, ma'am.

7           SANDY CHESNUT: Yes, go ahead and read the  
8 motion.

9           COMMISSIONER BOSARGE: Adopt option three for  
10 the Western Sound with a thirty percent quota by area  
11 starting November 10<sup>th</sup> for a maximum of seven days with  
12 staff having management flexibility to assign bad weather  
13 days.

14           JOE JEWELL: That motion has nothing about the  
15 contingency. That just has a week before Thanksgiving.

16           COMMISSIONER BOSARGE: Let's just leave it at  
17 that. That's enough.

18           JOE JEWELL: Okay, and we will come back and  
19 update the Commission at our November meeting.

20           COMMISSIONER BOSARGE: That's right. We can  
21 always come back and say, okay, we are going to add ten  
22 more days to it, or whatever.

23           we have a motion and a second.

24           All those in favor aye.

25           (Commissioner Bosarge, Commissioner Daniels,



1 Commissioner Gollott in favor.)

2 COMMISSIONER BOSARGE: Opposed like sign.

3 (Commissioner Havard opposed.)

4 COMMISSIONER BOSARGE: The vote is three to one.  
5 Motion carries.

6 ERIK BROUSSARD: Thank you, Commissioners.

7 COMMISSIONER BOSARGE: Thank you.

8 JOE JEWELL: We are drawing close to the end of  
9 the agenda.

10 Next up are the modifications for final adoption  
11 of Title 22, Part 7, Chapter 9, Commercial Size Limit  
12 Change for Gag, and Ms. Carly Somerset will be presenting  
13 it.

14 CARLY SOMERSET: Good afternoon, Commissioners,  
15 Director Spraggins, Ms. Chesnut.

16 I think during the break Brittany and I decided  
17 to race to see who could do the shortest presentation, so  
18 I will be brief. It shouldn't take too long.

19 JOE JEWELL: Carly, I want to interrupt, before  
20 you go on with the presentation.

21 CARLY SOMERSET: Sure.

22 JOE JEWELL: We mentioned a couple of times the  
23 sack limit. The Commission did not consider a sack limit.  
24 Last time the sack limit was fifteen tonging and twenty-  
25 five dredging. That's what we started with.

1 COMMISSIONER BOSARGE: Starting last time?

2 JOE JEWELL: Last season.

3 COMMISSIONER GOLLOTT: I don't think they could  
4 do it any cheaper than that. We will go with the same  
5 amounts.

6 The fishermen were complaining of what it costs  
7 them to take the boat out, the fuel and the deckhands and  
8 stuff, but they made it last year and they will make it  
9 again. I just don't want to see an increase.

10 JOE JEWELL: We need a motion and a second to do  
11 that. That should have been part of the motion.

12 COMMISSIONER GOLLOTT: I'll make the motion for  
13 fifteen sacks for tonging and twenty for dredging.

14 COMMISSIONER BOSARGE: Commissioner Gollott,  
15 made the motion for fifteen sacks for tongers and twenty  
16 for dredgers.

17 ERIK BROUSSARD: It was twenty-five last year  
18 and twenty the year before. It fluctuates. We can go  
19 with the same as last year, or we can go back.

20 COMMISSIONER GOLLOTT: Same as last year.

21 ERIK BROUSSARD: Same as last year.

22 COMMISSIONER BOSARGE: Same as last year.

23 JOE JEWELL: It was twenty-five sacks for  
24 dredgers last year.

25 COMMISSIONER GOLLOTT: Because they were raising

1 Cain about the amount, the dredge boats, not necessarily  
2 the tongers, the dredgers were making, and that is going  
3 to be such a short period I doubt if we change it the  
4 dredgers could go out there for a week, but the ones that  
5 do go should be able to make it.

6 JOE JEWELL: For the 2018-19 oyster season.  
7 Then, if someone will second that.

8 COMMISSIONER BOSARGE: We have a motion.  
9 Do we have a second for that motion?

10 (No response.)

11 COMMISSIONER BOSARGE: I'll second the motion.  
12 All those in favor aye.

13 (All in favor.)

14 COMMISSIONER BOSARGE: Opposed like sign.  
15 (None opposed.)

16 COMMISSIONER BOSARGE: Unanimous. Motion  
17 carries.

18 JOE JEWELL: I apologize.

19 Ms. Carly, if you will step back up here, I will  
20 let you finish your presentation.

21 CARLY SOMERSET: Thanks, Joe.

22 As Joe said, this is an action item for final  
23 adoption for regulatory changes in Title 22, Part 7,  
24 Chapter 9, Commercial Size Limit Change for Gag.

25 Commission on Marine Resources passed the Notice

1 of Intent on August 21<sup>st</sup>, 2018, and the Notice of Intent  
2 was filed with the Secretary of State's office on August  
3 22<sup>nd</sup>, 2018.

4 This is the public notice that appeared on the  
5 DMR web page, and the legal notice appeared in the Sun  
6 Herald on September 6<sup>th</sup>, 2018.

7 Since the Notice of Intent has been published,  
8 there have been no public comments to date.

9 The modification will be to Title 22, Part 7,  
10 Chapter 9, Commercial Size, Possession and Catch Limits,  
11 Section 100, Subsection 100.18, Gag Grouper changed from  
12 twenty-two to twenty-four inches total length.

13 What is required is a motion for final adoption  
14 to amend Title 22, Part 7, Chapter 9, Section 100,  
15 Subsection 100.18, Commercial Size Limit for Gag.

16 COMMISSIONER HAVARD: I make the motion as  
17 written.

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

20 COMMISSIONER DANIELS: I'll second that.

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

23 All those in favor aye.

24 (All in favor.)

25 COMMISSIONER BOSARGE: Opposed like sign.

1 (None opposed.)

2 COMMISSIONER BOSARGE: Motion carries.

3 CARLY SOMERSET: Thank you.

4 JOE JEWELL: Next for the Commission's  
5 consideration is modification to Title 22, Part 7,  
6 Commercial and Recreational Bag and Size Limit Changes for  
7 Mutton Snapper. Ms. Brittany Chudzik will be presenting  
8 this.

9 BRITTANY CHUDZIK: Good afternoon Commissioners,  
10 Director Spraggins, Ms. Chesnut.

11 The next action item is for final adoption of  
12 regulatory changes to Title 22, Part 7, Chapters 8 and 9,  
13 Commercial and Recreational Bag and Size Limit Changes for  
14 Mutton Snapper. This is a Federal consistency regulation  
15 change.

16 The Commission passed a Notice of Intent at the  
17 last Commission meeting in August. The Notice of Intent  
18 was filed with the Secretary of State on August 22<sup>nd</sup>, 2018.

19 Public notice did appear on the DMR web page, as  
20 well as in the Sun Herald September 6<sup>th</sup> of this year.

21 During the twenty-seven day public comment  
22 period, there have been zero public comments received by  
23 DMR.

24 For the record, I am going to read the  
25 regulation changes into the record.

1 Title 22, Part 7, Chapter 8, Section 100,  
2 Subsection 100.12.02 Mutton Snapper, may possess five  
3 within the ten-fish aggregate.

4 Section 102, Subsection 102.06, Mutton Snapper,  
5 eighteen inches total length.

6 Change to subsection 102.06 would require all  
7 items after that, 102.07 through 102.25 to be renumbered.

8 I think we are good today, without reading all  
9 those into the record.

10 Chapter 9, Commercial Size, Possession and Catch  
11 Limits, I will read that into the record as well.

12 Title 22, Part 7, Chapter 9, Section 100,  
13 Subsection 100.11, Mutton Snapper, eighteen inches total  
14 length.

15 What we need from the Commission is a motion for  
16 final adoption of Regulatory Changes to Title 22, Part 7,  
17 Chapters 8 and 9, Section 100, Bag and size Limit for  
18 Mutton Snapper.

19 COMMISSIONER HAVARD: I'll make the motion for  
20 final adoption as stated.

21 COMMISSIONER BOSARGE: We have a motion.

22 Do we have a second for that motion?

23 COMMISSIONER DANIELS: I'll second it.

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

1 All those in favor aye.

2 (All in favor.)

3 COMMISSIONER BOSARGE: Opposed like sign.

4 (None opposed.)

5 BRITTANY CHUDZIK: Thank you, Commissioners.

6 COMMISSIONER BOSARGE: It has been too long of a  
7 meeting, Joe.

8 JOE JEWELL: Well, we are on our final action  
9 item which is the state saltwater finfish records. Ms.  
10 Brittany Chudzik is going to present those.

11 BRITTANY CHUDZIK: Today we have two records up  
12 for consideration.

13 The first record is conventional tackle, an  
14 Inshore Lizardfish, *Synodus foetens*. The old record is  
15 four point four two ounces. The new record is five point  
16 five zero ounces. Mr. Brennan Sanders is the angler.

17 This is a picture of the Inshore Lizardfish and  
18 a picture of the angler with the fish.

19 The second record up for consideration is a  
20 state saltwater fishing record. This is our first entry  
21 for a Gulf Kingfish, *Menticirrhus littoralis*, with a  
22 weight of one pound eight point seven two ounces. The  
23 angler is Reagan McGarvey.

24 This is a picture of the Gulf Kingfish and a  
25 picture of the angler with the fish.

1           what we need is a motion to adopt the new state  
2 records.

3           COMMISSIONER HAVARD: I'll make a motion to  
4 adopt the new state records.

5           COMMISSIONER GOLLOTT: And I'll second it.

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

8           All those in favor aye.

9           (All in favor.)

10          COMMISSIONER BOSARGE: Opposed like sign.

11          (None opposed.)

12          COMMISSIONER BOSARGE: Motion carries.

13          JOE JEWELL: That concludes Marine Fisheries.

14          COMMISSIONER BOSARGE: I had an item on other  
15 business. We are not going to go there. The meeting has  
16 been long enough.

17                 I may ask Mr. Joe to look at it and see if he  
18 could consider putting it on the agenda for the next  
19 meeting.

20                 we have one public comment, Bud Miller.

21                 BUD MILLER: Good afternoon Director Spraggins,  
22 Chairman, Commissioners and Ms. Chesnut.

23                 My name is Bud Miller. I'm from Destin,  
24 Florida, and I have a company that I started several years  
25 ago called Fish and Game Scales.



1 I developed and had a patented system for  
2 recreational anglers to weigh their fish. It has been  
3 patented by the U.S. officially as of July.

4 It is designed to look just like an ATM where  
5 the anglers can come up and hang it. It is for  
6 recreational anglers because all of our marine fisheries  
7 are driven by weights and recreational fishermen do not  
8 weigh our fish.

9 Our system is flexible. It can gather  
10 information, what they are harvesting. The system can be  
11 used for inshore and offshore.

12 It is very flexible. If you call us and say,  
13 we've got this boat launch where you've got one of your  
14 things and we need to know what speckled trout, what  
15 flounder are coming in. Maybe it's seasonal. Maybe it's  
16 just you've got to see an influx.

17 We can change our program right then and you  
18 will collect information as the anglers come in and weigh  
19 it.

20 You can weight Sheepshead, Red Drum. You can  
21 weigh anything you want.

22 The offshore side of it, it is licensed up to  
23 two hundred and fifty pounds. We are not there to weight  
24 billfish. We are there to weight reef fish, or your  
25 inshore fish. It is going to work for your Amberjacks,

1 your Groupers, your Trigger Fish, or any other fish that  
2 they want to weigh.

3 We can put one fish, or we can put twenty-four  
4 fish, on our system, so it is very flexible.

5 We always put "other", in case you have somebody  
6 who wants to come up and weigh a fish and says it's other,  
7 and they can type in what they want.

8 At the point when the angler enters that  
9 information and he completes the transaction -- we are not  
10 in the data collection, or the information collection.  
11 That's you guys. That's the DMR -- immediately there is  
12 an email sent with two pictures, one looking down and one  
13 looking to the side, so that you can verify what fish they  
14 weighed. That is going to tell you the location, the  
15 date, and the time.

16 We can program it to where you are going to  
17 either do your vessel ID, your angler ID, or nothing.  
18 Just let them do number of anglers and number of fish,  
19 and, then, let them hang them and weigh them.

20 Like I said, that information goes directly via  
21 email. We don't need to be into you network. It is done  
22 via cellular communications so you get that information as  
23 soon as they complete their transaction. There is no  
24 delay, and it goes to whoever the DMR would select.

25 Like I said, it's flexible, it's fast, it's

1 efficient, and it's just to gather more information for  
2 you guys so that you can better your fisheries. That's  
3 all we are about, just gathering information.

4 We don't get the information. It's you guys.

5 We do store in that computer a CSV file where all the  
6 information, except for the pictures, is stored in case  
7 there is an outage, or something, and you don't get  
8 cellular service. We know how spotty that is. If it goes  
9 down, we have backups for it.

10 COMMISSIONER BOSARGE: Mr. Bud, you time is up.  
11 It has been a long meeting.

12 BUD MILLER: I understand. I'm ready to go  
13 myself. I've got a long ride.

14 COMMISSIONER BOSARGE: I like what I'm seeing  
15 here, and you have given us all a brochure.

16 BUD MILLER: Right.

17 COMMISSIONER BOSARGE: I'm sure that if this  
18 would work with our Tails n' Scales, we would like to  
19 learn more.

20 JOE SPRAGGINS: Did you give a copy for each one  
21 of the Commissioners?

22 BUD MILLER: Yes, I did. Joe has them.

23 JOE JEWELL: I have several copies that were  
24 submitted in the public record, so I will be sending them  
25 to you.

1 COMMISSIONER BOSARGE: We appreciate it, sir.

2 BUD MILLER: Thank you.

3 COMMISSIONER BOSARGE: Do we have a motion to  
4 adjourn?

5 COMMISSIONER GOLLOTT: Mr. Chairman, I make a  
6 motion we adjourn.

7 COMMISSIONER DANIELS: I'll second that one.

8 COMMISSIONER BOSARGE: All those in favor aye.  
9 (All in favor.)

10 COMMISSIONER BOSARGE: Meeting adjourned.  
11 Thank you everybody.

12 (Whereupon, at 2:25 o'clock, p.m., the September  
13 18, 2018, meeting of the Commission on Marine Resources  
14 was concluded.)

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C E R T I F I C A T E

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2  
3 I, Lucille Morgan, Certified Shorthand Reporter,  
4 do hereby certify that the above and foregoing is a true  
5 and correct transcript of the September 18, 2018, meeting  
6 of the Commission on Marine Resources, as taken by me at  
7 the time and place heretofore stated in the aforementioned  
8 matter in shorthand, with electronic verification, and  
9 later reduced to typewritten form to the best of my skill  
10 and ability; and, further, that I am not a relative,  
11 employee, or agent of any of the parties thereto, nor  
12 financially interested in the cause.

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16 COURT REPORTER  
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