

Commission on Marine Resources

COMMISSION ON MARINE RESOURCES  
COMMISSION MEETING

Tuesday, April 19, 2016  
9:00 a.m.  
Bolton State Building Auditorium  
1141 Bayview Avenue  
Biloxi, Mississippi 39530

Commission Members:

- Richard Gollott, Chairman
- Shelby Drummond, Vice Chairman
- Steve Bosarge

Also Present:

- Jamie M. Miller, Executive Director DMR
- Sandy Chestnut, Esq., Assistant Attorney General

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1 COMMISSIONER GOLLOTT: I call this meeting to  
2 order.  
3 First on the agenda I would like to ask Jamie  
4 Miller to lead us in the Pledge of Allegiance.  
5 (whereupon, the Pledge of Allegiance was  
6 recited.)  
7 COMMISSIONER GOLLOTT: Next we have approval of  
8 the agenda.  
9 COMMISSIONER DRUMMOND: Motion.  
10 COMMISSIONER BOSARGE: Second.  
11 COMMISSIONER GOLLOTT: All those in favor say  
12 aye.  
13 (All in favor.)  
14 COMMISSIONER GOLLOTT: Opposed?  
15 (None opposed.)  
16 COMMISSIONER GOLLOTT: Motion carries.  
17 Next we have approval of the minutes.  
18 Do we have a motion, or any modifications?  
19 COMMISSIONER BOSARGE: So moved.  
20 COMMISSIONER GOLLOTT: We have a motion.  
21 Do we have a second?  
22 COMMISSIONER DRUMMOND: I'll second it.  
23 COMMISSIONER GOLLOTT: All those in favor say  
24 aye.  
25 (All in favor.)

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1 COMMISSIONER GOLLOTT: Opposed?  
2 (None opposed.)  
3 COMMISSIONER GOLLOTT: Motion carries.  
4 Next we have the Executive Director's report.  
5 JAMIE MILLER: No report, Chairman,  
6 Chairman, we will have the administrative  
7 penalty report. I apologize.  
8 Ms. Chestnut.  
9 SANDY CHESTNUT: We have an administrative  
10 penalty, in the matter of Nam Van Nguyen, Cause Number  
11 081815. The proposed action is pursuant to Mississippi  
12 Code Annotated 49-15-63(1)(f), in regards to numerous  
13 seafood violations within a five-year period.  
14 The complaint outlines nine seafood violations  
15 between the dates of July 14, 2010, and December 12, 2014,  
16 of which, Mr. Nguyen has been found guilty by the Jackson  
17 County Justice Court.  
18 Mr. Nguyen is represented by Attorney Fred Lusk,  
19 in this matter, who has filed a response to the Complaint  
20 on July 1<sup>st</sup>, 2015.  
21 Attorney Lusk also advised, via telephone  
22 conference, that the Vietnamese Boat People Organization  
23 had agreed to provide instruction, in Vietnamese, to Mr.  
24 Nguyen regarding the rules and regulations.  
25 Attorney Lusk's letter is included in the

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1 Commissioners' packets.  
2 Executive Director's Recommendation. Based upon  
3 the documentation contained in the file and the violator's  
4 response, the Executive Director found that the Complaint  
5 established that Nam Van Nguyen was convicted of at least  
6 five seafood violations within a five-year period and  
7 recommended that the Commission impose the following  
8 administrative penalties against Mr. Nguyen:  
9 Mr. Nguyen would be prohibited from engaging in  
10 any commercial fishing activities for the period of  
11 suspension outlined before.  
12 His commercial fishing license would be  
13 suspended and any licenses issued to his vessels would  
14 also be suspended.  
15 Would also mandate that Mr. Nguyen's fishing  
16 gear be removed from the waters of the State of  
17 Mississippi for a period of not less than three months  
18 and, prior to having his license reissued, following the  
19 above-referenced period of suspension, Mr. Nguyen must  
20 show evidence through his attorney, Fred Lusk, that he has  
21 received instructions regarding the applicable rules and  
22 regulations.  
23 Following the period of suspension, Mr. Nguyen  
24 will be placed on administrative probation for a period of  
25 two years, during which time if any new fishing violations

Lucille Morgan, CSR 1251  
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Commission on Marine Resources

1 are committed in any jurisdiction, Mr. Nguyen's commercial  
2 license will be permanently revoked.

3 All of the supporting documentation has been  
4 provided to each member of the Commission.

5 Mr. Nguyen and his attorney, Mr. Lusk, have been  
6 notified that this matter will be presented to the  
7 Commission on April the 19<sup>th</sup>, today.

8 The Commission may accept, reject and/or modify  
9 the Executive Director's recommendation upon motion.

10 If Mr. Lusk is here to speak on behalf of Mr.  
11 Nguyen, he may come forward now, or, if there is anyone  
12 else, Mr. Nguyen himself, or anyone else on his behalf may  
13 speak.

14 Mai, if you could have him state his name for  
15 the record, please.

16 NAM VAN NGUYEN: Nam Van Nguyen.

17 SANDY CHESTNUT: You are going to be  
18 interpreting for Mr. Nguyen?

19 MAI DANG: Yes, ma'am.

20 SANDY CHESTNUT: And your name is?

21 MAI DANG: I'm Mai Dang.

22 SANDY CHESTNUT: Put the microphone a little bit  
23 closer.

24 MAI DANG: Yes, ma'am.

25 SANDY CHESTNUT: Does Mr. Nguyen have a

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1 statement he would like to present to the Commission?

2 MAI DANG: He said that he feels it is unfair  
3 with the tickets that he has received, and he wants to  
4 explain one ticket that he received.

5 One of the Marine Patrol had pulled him over at  
6 twelve o'clock and said that he did not have his lights  
7 on, but that was around 5:00 o'clock in the morning. He  
8 is saying the ticket did not say the time that it was  
9 supposed to say. It was written at 12:00 o'clock, but, on  
10 the ticket, it says 5:00 o'clock. So he is saying that  
11 the ticket is wrong, that it should not have been given to  
12 him.

13 He is explaining another ticket that he had  
14 received where all his traps were, his crab traps were.  
15 He is saying that one of the Marine Patrol asked him if  
16 one of the crab traps was his, and he said, "Yes, it is",  
17 but, when he pulled it up, there was another name and it  
18 was not his, and he said that he felt that he was set up  
19 to be given a ticket.

20 COMMISSIONER GOLLOTT: Excuse me, Mai.

21 MAI DANG: Yes, sir.

22 COMMISSIONER GOLLOTT: Ask him did he plead  
23 guilty on these tickets, these five tickets.

24 Explain to him that court is where he needs to  
25 try these and not in front of us.

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1 MAI DANG: Right. Yes, sir.

2 I have explained that to him before, and he  
3 wants to come up here and explain to everybody as well,  
4 the same thing he had done while he was in court.

5 COMMISSIONER GOLLOTT: Tell him once he goes to  
6 court, then, it is out of our hands. There is nothing we  
7 can do about it.

8 MAI DANG: He is saying another ticket that he  
9 had received that they threw him in jail, instead of  
10 giving him a ticket.

11 He understands that he went to court and whatnot  
12 and he has accepted it, but he still wants to explain to  
13 everyone what happened to him and he felt that he was  
14 treated unfairly with these tickets that he had received.

15 COMMISSIONER GOLLOTT: Sandy, would you have  
16 them put the recommendation back up on the screen?

17 SANDY CHESTNUT: The recommendation is that he  
18 be prohibited from engaging in any commercial fishing  
19 activities for a period of at least three months and that  
20 all of his licenses be suspended for at least three months  
21 and that his fishing gear be removed from the waters for  
22 three months, but, then, prior to having his license  
23 reissued, after the three months, he must show evidence  
24 through his attorney that he has received instructions  
25 regarding the applicable rules and regulations.

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1 Now, that period may go longer than three months  
2 because it will go until we get the certification from his  
3 attorney.

4 Once we get that certification, then, he will be  
5 placed on administrative probation for a period of two  
6 years, during which time, if any new fishing violations  
7 are committed, his license will be permanently revoked.

8 At this time, we are not recommending that his  
9 license be revoked. We are recommending a suspension to  
10 allow him to get the proper instruction that he needs so  
11 that he can hopefully avoid having his license revoked.

12 MAI DANG: I explained to him all of that, and  
13 he just wants to continue explaining all the tickets that  
14 he had received.

15 COMMISSIONER GOLLOTT: Explain to him that the  
16 recommendation is a lot more lenient than what we could  
17 really do.

18 MAI DANG: Yes, sir.

19 COMMISSIONER GOLLOTT: At this point, do we have  
20 a motion on this?

21 COMMISSIONER BOSARGE: How will we go about  
22 making sure that he understands the rules and regulations,  
23 from this point forward?

24 Can somebody answer that?

25 SANDY CHESTNUT: His attorney advised that his

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1 instruction would come through the Boat People  
 2 organization, that he would receive the instruction in  
 3 Vietnamese.  
 4 COMMISSIONER BOSARGE: I know you are just the  
 5 interpreter, Mai.  
 6 MAI DANG: Yes, sir.  
 7 COMMISSIONER BOSARGE: I want to make a motion,  
 8 but I want to be sure that somehow somebody explains to  
 9 him what he can do and what he cannot do.  
 10 SANDY CHESTNUT: Commissioner, that is the  
 11 purpose of having that certification from his attorney  
 12 saying that he has received the instructions from the Boat  
 13 People and they feel comfortable that he is comprehending  
 14 the rules and regulations.  
 15 COMMISSIONER BOSARGE: I'm just worried that  
 16 maybe his attorney has no skin in the game.  
 17 I will make a motion to follow the Executive  
 18 Director's recommendations, with the exception that we  
 19 don't automatically revoke his license that if he gets  
 20 another violation within the period of two years, that he  
 21 has to come back before this Commission to make sure that  
 22 he understands all the rules and regulations.  
 23 I don't know how you put that in a motion.  
 24 COMMISSIONER GOLLOTT: Mai, make sure he  
 25 understands that court is where he has to argue these

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1 tickets. We have no jurisdiction over that.  
 2 MAI DANG: Yes, sir.  
 3 COMMISSIONER DRUMMOND: I'll second the motion.  
 4 COMMISSIONER GOLLOTT: We have a motion and a  
 5 second.  
 6 All those in favor say aye.  
 7 (All in favor.)  
 8 COMMISSIONER GOLLOTT: Opposed?  
 9 (None opposed.)  
 10 COMMISSIONER GOLLOTT: Motion carries. Thank  
 11 you.  
 12 MAI DANG: Thank you.  
 13 JAMIE MILLER: Sandy, are you clear on the  
 14 motion that was made and passed that the three-month  
 15 suspension is in place and we will receive the  
 16 certification from the attorney?  
 17 SANDY CHESTNUT: Yes.  
 18 JAMIE MILLER: However, if Mr. Nguyen receives a  
 19 ticket after that, we will bring him before the Commission  
 20 again.  
 21 SANDY CHESTNUT: Right, and they will determine,  
 22 at that time, whether his license will be revoked.  
 23 JAMIE MILLER: Is that right, Commissioner?  
 24 COMMISSIONER BOSARGE: That's correct.  
 25 COMMISSIONER GOLLOTT: Next we have Marine

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1 Patrol, Keith Davis.  
 2 RUSTY PITTMAN: Good morning Mr. Chairman,  
 3 Commissioners, Director Miller, Ms. Chestnut.  
 4 On the report this month, I would like to point  
 5 out, on page two, we are getting into that season for  
 6 boating and fishing activities and, if you will notice  
 7 under "Boat and water Safety Violations", they went up  
 8 from the previous month. There were twenty violations.  
 9 That leads me to the next part I want to talk  
 10 about on page four where we had our boating accidents. As  
 11 you know, we had one boating accident with a fatality and  
 12 it involved a kayak where the subject fell out of the  
 13 kayak and drowned. We also had another boating accident  
 14 involving two kayakers offshore out from Long Beach. They  
 15 got into rough water. The same situation. One of them  
 16 didn't have a life jacket, and our officers responded.  
 17 They were on scene within ten minutes and luckily saved  
 18 both of them.  
 19 This time of year with boating picking up, we  
 20 request and ask everybody to go through your vessel, check  
 21 your safety equipment, make sure you have a wearable life  
 22 jacket on board for every person, before you leave the  
 23 harbor, to make sure everything is working on your boat.  
 24 I hate to have to report on tragedies like this.  
 25 It seems like the starting of the year people rush out and

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1 hurry up and get out to enjoy it. They don't watch the  
 2 weather. They don't check their boat for safety  
 3 equipment.  
 4 COMMISSIONER BOSARGE: Rusty, do we do any  
 5 voluntary inspections on boats?  
 6 RUSTY PITTMAN: Yes, sir. As a matter of fact,  
 7 we did two last month. If they call us, we will be glad  
 8 to come out and look at their vessel at the launch and  
 9 make sure they have the right life jackets onboard and  
 10 flare kits.  
 11 Of course, we teach boat and water safety  
 12 classes three, or four, times a month. They can call and  
 13 sign up for them. We recommend that everybody take this  
 14 class. The officers teach these classes.  
 15 COMMISSIONER BOSARGE: We have a mandatory  
 16 inspection that we do on boats, but we have a voluntary  
 17 TED inspection.  
 18 RUSTY PITTMAN: Right.  
 19 COMMISSIONER BOSARGE: That is nice. You make a  
 20 phone call whether you go to them, or they come to you,  
 21 and get them to look your stuff over and make sure it's  
 22 right before you go out.  
 23 RUSTY PITTMAN: That's right.  
 24 If there are no questions, at this time I would  
 25 like to turn it over to Chief Davis for our next

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1 presentation.

2 COMMISSIONER GOLLOTT: Thank you, Rusty.

3 RUSTY PITTMAN: Thank you.

4 KEITH DAVIS: Good morning Commissioners.

5 A couple of months ago, Commissioner Bosarge  
6 requested a demonstration from Alabama, and I'm happy to  
7 report that Major Scott Bannon and his K9 unit have come  
8 over today to oblige that request.

9 At this time, I would like to introduce Major  
10 Scott Bannon from the Alabama Marine Resources.

11 SCOTT BANNON: Good morning Commissioners,  
12 ladies and gentlemen.

13 I dance around a lot when I talk. If I make  
14 somebody seasick, please let me know.

15 I thank you for the opportunity to come over  
16 here and discuss this relatively new program that we have  
17 developed in Alabama.

18 We had a challenge. We had an issue. We are  
19 all a little bit frustrated with some short seasons and  
20 some very low bag limits on certain species of fish.

21 We are waiting on change. Mississippi, just  
22 like us, is working to make some change. Most of them are  
23 Federal fish, but, in the meantime, we have citizens of  
24 Alabama who now are frustrated and they thought, I'm going  
25 to do something different. There are plenty of fish out

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1 there. I'm going to take them back.

2 The citizens developed this program that we like  
3 to refer to as filet and release. They filet the fish and  
4 they release the carcass, and, then, they got creative  
5 with storage. They began putting them in non-traditional  
6 locations such as their anchor locker, inside the console,  
7 under the seats, that kind of thing.

8 Under the Federal Laws and Regulations, we have  
9 the right of inspection. We can look for fish on vessels,  
10 but it's not fair to every person that we go crazy on  
11 their boat and we start picking up everything and looking  
12 in every single little cubby-hole on the boat. I needed a  
13 better way to catch the people who were doing wrong and  
14 support the people who were doing right.

15 I literally sat at my desk one day with my feet  
16 propped up counting those little holes in the ceiling  
17 tiles and said, "How can I fix this?"

18 I have seen K9's work in all aspects of law  
19 enforcement. I said somehow somehow we should be able to  
20 put a K9 to work for us. So I did what every smart guy  
21 does -- which I'm not -- I phoned a friend. I talked to  
22 Florida wildlife Commission. They have a master trainer  
23 for a K9 program. They have a pretty intensive K9  
24 program. I said, "Can we train a dog to locate fish, even  
25 though fish could legally have been onboard the boat? The

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1 boat will smell like fish."

2 And he said, "Yes, Scott. You are looking at it  
3 the wrong way. You need to tell the dog to go find the  
4 source of the odor, not tell you that there is odor there,  
5 and that is a completely workable solution."

6 Then, I said, "Well, the friend said we can do  
7 this. Now, can I find somebody that can do it?"

8 I went to the library which we refer to as  
9 Google, and I found that there are a few dogs in the  
10 country that already do this. New York had a dog. Texas  
11 recently developed a program. They have a dog. A  
12 gentlemen in Minnesota had a dog that finds fish.

13 I entered into some conversations with them, and  
14 the program works. People can hide fish on the boat, and  
15 the dog goes and locates the fish.

16 I said, "Well, that's good. That's what I need  
17 to know."

18 I, then, said, "Well, who trains them?"

19 They used local trainers that have trained  
20 narcotics dogs and other police working dogs. Well, in  
21 Alabama, we have a unique opportunity. We have Auburn  
22 University. I have a tough time saying that, with my back  
23 to the crowd. They have a K9 Performance Science Center  
24 and they have trained dogs to do traditional law  
25 enforcement work.

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1 They have a program for bomb detection, but they  
2 also train eco dogs, dogs that hunt wildlife, or seek out  
3 specific wildlife. They train dogs to find pythons in the  
4 Everglades. Now, finding pythons in the Everglades is an  
5 environment very similar to what we work, a lot of heat  
6 and humidity, long days, just a different environment.

7 I said, well, if a dog can find a python, he can  
8 certainly find a fish in a boat.

9 I engaged in a conversation with them, and they  
10 felt that they could develop a program to do that.

11 Then, I had to find some pennies, and I engaged  
12 NOAA's Office of Law Enforcement. We have a joint  
13 enforcement agreement with them, similar to Mississippi's,  
14 and they have a direct purchase part of that. I said, "I  
15 would like to use some of that direct purchase money to  
16 create this program."

17 It took a little bit of discussion, but, during  
18 one of the meetings when I was having a discussion with  
19 the assistant director, I received seven cases from our  
20 officers, during closed fishing season.

21 One of the cases the people were fileting the  
22 fish and they were offshore, and they were in the process  
23 of fileting the fish, when our officers encountered them.

24 The others, we got to them before they had the  
25 opportunity to filet the fish, but those fish never would

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1 have come to the dock in whole form because that's too  
2 obvious. It was a great opportunity to show that there is  
3 a need for this program.

4 They agreed to support it, and we needed a bit  
5 more funding. We engaged our Coastal Conservation  
6 Association of Alabama and our Conservation Enforcement  
7 Officers Association.

8 We developed a budget. It cost us about fifty-  
9 five thousand dollars to create a ground-up program. We  
10 built a program where we built kennels for the officers,  
11 and they are portable because it just so happens we live  
12 in hurricane country. We can pack the kennel up and move  
13 it, in the event of a storm, or if the officer were to  
14 relocate. We outfitted trucks with heat alarms and  
15 kennels. The dog's safety is paramount to us. It's a  
16 tool, but it's a live tool, and we need to protect it. So  
17 they have heat alarms just like traditional police cars  
18 do.

19 Then, we had to develop that training. So we  
20 entered into the contract with Auburn for a year-long  
21 contract. They did the initial training which takes about  
22 two months, and, then, they come back quarterly to see how  
23 the dogs are doing, inspect the documentation, and to see  
24 if there are any tweaks that they need to make to the  
25 program. It's a learning process for them, as well.

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1 The initial portion was, what dogs do we use to  
2 do this?

3 We are going to be checking mom and pop's boat.  
4 We are going to be checking boats with children onboard.  
5 I did not want dogs that we consider intimidating. I had  
6 a rule of no pointy-eared dogs, no German Sheperds, no  
7 Belgium Malinois. I did not want people to think that we  
8 were coming down and trying to intimidate them to confess  
9 that they have been hiding fish.

10 They developed a program to search for some dogs  
11 that met my requirements, and they needed to be portable.  
12 I needed the officers to be able to pick them up.

13 Labradors are great dogs. I believe half the  
14 crowd in here probably has a Labrador. They are usually  
15 very easy going, but they are big dogs, and dogs don't  
16 like to climb. It hurts their hips and things like that,  
17 but I don't want to hurt the officers' backs.

18 Auburn came up with the dogs, Spaniels. They  
19 were able to find two spaniels in Europe. One of them  
20 came from Great Britain and one of them came from Germany.  
21 One is an English Springer Spaniel and the other is an  
22 English Working Cocker.

23 Gaines is the English Working Cocker. He is  
24 going to be the one we are going to demo today.

25 They are rare in the United States. He looks

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1 like a mutt, and what I want you to understand is he is  
2 not bred to be a pretty dog. He is bred to be a working  
3 dog.

4 These dogs work very, very hard. They have  
5 fantastic endurance and, in Europe, they are used  
6 extensively for narcotics and bomb dogs. The British  
7 military used them quite frequently for bomb dogs.

8 This is Officer Chris Cox. He is one of our K9  
9 handlers. He received the training, as well as the dog,  
10 and, admittedly, the dog learned a lot faster than the  
11 handler, but, when he wears his vest -- if you notice, he  
12 is wearing this little vest -- that means it's work time.  
13 when he gets that vest, he searches from the moment he  
14 gets out of the truck. Some of the officers saw him  
15 earlier get out of the truck, and he started to search.

16 The officer can either let the dog go, and the  
17 dog will search on his own, and he is high speed. He will  
18 go all over the place and run around in circles until he  
19 catches a scent, or we do what is called a directed  
20 search.

21 Chris, go ahead and start your search.

22 SCOTT BANNON: His whole life revolves around  
23 trying to find that ball.

24 Now, Chris will go over and lift the garbage bag  
25 out of that trash can, and inside there are the filets.

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1 Notice that they are inside the plastic. They have ice.  
2 They were inside that trash can under a trash bag. We  
3 could have put it in a sealed ice chest, and he still  
4 would have found it.

5 Believe it or not, he went over there the first  
6 time. We had already run him through the room before. I  
7 think he said, you know, I've already found this once  
8 today. He literally recognized the fact that he has  
9 already found that item.

10 We did training on about sixty different boats,  
11 and they remember each boat that they have been on, where  
12 they found it last time. The dogs are very, very  
13 intelligent and they are very durable.

14 Chris, pick him up and show them. He has a  
15 handle. He's a suitcase. It doesn't bother him. He is  
16 ready to go to work (indicating).

17 Chris is an officer. Chris wants to go make  
18 cases. That's what officers do for a living. They catch  
19 bad guys.

20 My goal, as the chief chair-sitter for this  
21 program, is that I want to change the behavior of normally  
22 law abiding citizens who are frustrated. They are  
23 frustrated with short seasons and lower bag limits. They  
24 become outlaws out of that frustration.

25 If I can change that behavior by putting a K9 to

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1 work to say, if you go offshore and you decide that you  
2 are going to keep a few extra fish and filet them, your  
3 potential chances of getting caught are greatly increased  
4 because we have two of these. We have one in Mobile  
5 County and one in Baldwin County.

6 During our training, we actually developed a lot  
7 of intelligence of how people were hiding fish because  
8 everyone wanted to tell us how they were going to defeat  
9 the dog. Really, they were giving away their trade  
10 secrets.

11 Officer Cox actually was on a patrol without the  
12 dog and one of the items that we had learned during the  
13 training, he put to use and found the fish where the  
14 person had told him how they would defeat the dog. The  
15 best tool we have is a person. The dog is an additional  
16 tool that we put to work.

17 We also use the dogs for public relations. If  
18 we can change the mind set of children, children change  
19 the mind set of adults. The dogs are great with kids, and  
20 kids remember the dogs. Their names are Officer Gaines  
21 and Officer Morgan. Fort Gaines and Fort Morgan protect  
22 the Port of Mobile throughout history. Officer Gaines and  
23 Officer Morgan protect the resources of the citizens of  
24 Alabama.

25 You have some cards and, if anyone in the

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1 audience has questions, we have cards available. We are  
2 more than willing to provide any information.

3 I am open to any questions that you may have.

4 COMMISSIONER DRUMMOND: Are the dogs good  
5 swimmers?

6 SCOTT BANNON: Believe it or not, we don't let  
7 them swim because we don't want them to think that, when  
8 they get to the water, it's play time. We don't let them  
9 enter the water.

10 COMMISSIONER DRUMMOND: How old is Gaines?

11 SCOTT BANNON: He is two years old. Both dogs  
12 are two. They are about two months apart.

13 COMMISSIONER BOSARGE: That is impressive.

14 You said you used some JEA money to actually  
15 start this process?

16 SCOTT BANNON: That's correct, and it is now an  
17 approved direct purchase item under the JEA Agreement.

18 COMMISSIONER BOSARGE: Is it very expensive  
19 maintaining the dogs?

20 SCOTT BANNON: I failed to mention, once the dog  
21 is trained and you have all of the basic equipment -- like  
22 I said, we built a ground-up program. That's why my  
23 budget was about fifty-five thousand for two dogs and two  
24 handlers to be trained -- I estimate about thirteen  
25 hundred dollars a year to provide food and the standard

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1 vet bills. When they go on vacation, we will kennel the  
2 dog. Those kinds of things.

3 That is probably a little high, as long as there  
4 are no emergencies where they get injured, or something,  
5 and need some other medical treatment, but routine medical  
6 and food realistically will probably be about seven, or  
7 eight, hundred dollars a year.

8 COMMISSIONER BOSARGE: I don't know if  
9 Mississippi could ever swing all of that.

10 Because of the JEA aspect of it, I wonder if  
11 there would be a way we could, at times, maybe share?

12 SCOTT BANNON: Certainly, and we have even  
13 discussed that we are open to doing joint patrols  
14 together. We have a great working relationship with  
15 Mississippi Marine Resources. I usually hang up on Rusty  
16 two, or three, times a week.

17 COMMISSIONER BOSARGE: That's great to come up  
18 with a means, not to get people in trouble, but just to  
19 know that there is a way to detect fileted fish.

20 SCOTT BANNON: You saw the layers that the dog  
21 went through there. This particular dog, in one of his  
22 first weeks of training, they placed him on a boat, and I  
23 noticed a change in behavior. He made some body language  
24 change, and, then, Chris opens a compartment, and, then,  
25 he sat.

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1 That particular set of filets was in a plastic  
2 bag like that inside a soft-sided ice chest that was  
3 zipped inside a dry box like you would put your flares and  
4 your equipment to stay dry, with a rubber gasket and  
5 clamped handles, inside a compartment. It was four layers  
6 and, as soon as he got on the boat, he knew it was there.  
7 He has found stuff hidden in a dirty toilet.

8 It is the same as smuggling narcotics. You  
9 almost can't get a clean enough environment that they are  
10 not going to tell you and detect something. They detect  
11 parts per trillion, and we generally don't measure things  
12 in parts per trillion.

13 COMMISSIONER BOSARGE: That's unreal. It is  
14 amazing. I think that is a fantastic tool, plus, like you  
15 say, having a dog on a boat, especially when you board  
16 vessels, it's got to change the atmosphere in a positive  
17 way.

18 SCOTT BANNON: It does. Like I said, Chris is a  
19 patrolman. He wants to write tickets. I really want the  
20 change in behavior, while we work through some of the  
21 other issues.

22 COMMISSIONER BOSARGE: Most people open up to a  
23 friendly dog.

24 SCOTT BANNON: Yes.

25 COMMISSIONER BOSARGE: Great. Thank you.

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Commission on Marine Resources

SCOTT BANNON: Any other questions?

COMMISSIONER GOLLOTT: Thank you, Scott. That was very interesting.

SCOTT BANNON: Thank you.

COMMISSIONER GOLLOTT: Before we bring Joe Jewell up, I would like to recognize Mayor Billy Broomfield who is in the audience.

Nice to have you here, Mayor.

BILLY BROOMFIELD: Thank you.

COMMISSIONER GOLLOTT: Next is Joe Jewell.

JOE JEWELL: Good morning Commissioners, Executive Director Miller, Counselor Sandy Chestnut.

Before we get into the main portion of the agenda for Marine Fisheries, I would like to give the Commission a couple of updates.

First, I would like to update the Commission on our oyster season. I updated the Commission in a little bit of detail, at the last Commission meeting. I will try to be brief on this update.

As you may recall on our previous update, the season had closed on March the 11<sup>th</sup>. We opened back up on March the 30<sup>th</sup> for one day. We opened areas 2e and 2f. We closed that same day because of poor water samples.

For the day, the sack limit was the same as it was the previous March opening. It was fifteen for

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tongers and twenty-five for dredgers. That day we harvested a total of nineteen hundred and fifty-nine sacks.

For effort, there was a total of seventy-five dredging trips that landed one thousand seven hundred and seventy-nine sacks for an average of just over twenty-three sacks per trip.

A total of fifteen tonging trips were made that landed about a hundred and eighty sacks for an average of about twelve sacks per trip.

To date, we have a total of thirty thousand two hundred and forty sacks that have been harvested this season. That is up from last year.

I want to make a couple of comments, before we move on to our next agenda item.

I know that y'all have received calls from the fishermen. We have several fishermen here today that are likely going to comment about the season. This has been a relatively tough season on our commercial oyster fishermen because it has been a rather wet rainy year.

It's an El Nino year. As many of y'all know, in an El Nino year, we typically have large amounts of rainfall that affect river stage that has been impacting this particular season all season long from our opening until today.

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I checked the river stage this morning. It is above flood stage, and it is not predicted to go down until this weekend. We are not sampling because it does us really no good.

I can tell you this has probably been the second worse season, as far as weather, on record.

I know Mr. Gordon is in the audience, and he clearly remembers the year 1997, when we were both on staff and both in the Shellfish Bureau. That year, again, we had an El Nino year, and it was particularly hard on the fishermen that year, and it was hard because the regulatory process was a little bit more restrictive than it is, now.

That year, in 1997, we had to have two water samples come back good, separated by twenty-four hours, and you had to sample once the river was below flood stage. That made it exceptionally hard on the staff and made it exceptionally hard on the fishermen, but, as the years went by, we were able to improve the regulatory process. Now, we just have to have one water sample come back good and the river has to have crested.

From the regulatory process, we have improved considerably from where we were in 1997, but, as far as the weather impacts on the fishermen, that has not improved.

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There is very little we can do about mother nature, but that doesn't help, or affect, the fishermen whose livelihoods depend on commercial fishery. It has been exceptionally hard on them, and we do everything we can to try to keep these areas open as long as possible, but that being said, it doesn't do much for their bottom line, and I'm sure they are going to comment on that at their next opportunity. I just wanted to say that for the record.

Do y'all have any questions?

JAMIE MILLER: Joe, before you go further, I want to remind everybody in the audience, if you would like to make a public comment -- some of you had filled out the public comment form that has a line there where you select an agenda item that you may want to speak to -- if you do not select a specific agenda item, then, we will call for your public comments during the public comments section of the agenda which is at the very end.

I'm looking at your piece of paper, James Miller, and you referenced oysters.

If you would like to speak, now, we will let you speak. If not, we will wait until the end of the meeting.

JAMES MILLER: James Miller, oyster fisherman all my life.

Since we have so many problems to the west down

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Commission on Marine Resources

1 there with this El Nino and all this Pearl River, we think  
2 the better resource is to the east, and I know there is a  
3 lot of talk about tonging opening only, but we have to  
4 come to the solution that dredgers need to work, too, not  
5 only tongers.

6 Opening Jackson County would be a plus. It  
7 would get away from the Pearl River, but we've got to find  
8 some dredging down there for us.

9 I don't know if it's in the mapping process,  
10 bringing people out to find out where the oysters are. I  
11 don't know what y'all's solution is, but I just know that  
12 if you open Jackson County, we've got to put a moratorium  
13 on our license because you are feeding different states  
14 with our supply of oysters, and it's not fair to our  
15 Mississippi oystermen because we don't go in their waters  
16 and oyster. I feel like we need to put a moratorium on  
17 these licenses for out-of-towners.

18 I'm not up here beating people down to go to  
19 work, but, if our resource is not there, we can't feed two  
20 other states besides ourselves. We are putting pressure  
21 on our resource.

22 I think a moratorium on our oyster license,  
23 tonging and dredging, would be a plus, if you open Jackson  
24 County, because you would get numbers of people coming in  
25 from out of town to get this beautiful resource that is

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1 fixing to be opened.

2 Like I said, we need to change our program in  
3 that Pearl River basin down there. I know there are a lot  
4 of flood waters that come there.

5 As a fisherman, I have fished all my life, and I  
6 just feel like our DMR is not doing enough to help our  
7 livelihood out because we are starving to death.

8 Louisiana is still working today. They've got  
9 sacks "Frying Only" with different tags, and I feel like  
10 our state needs to take that program aboard, when we have  
11 these rainy day seasons, years, and implement a "Frying  
12 Only" tag. It might lower our price limit on a sack a  
13 little bit, but, at least, we would work. We wouldn't be  
14 starving to death.

15 I have only worked twenty-three days out of the  
16 year, this year, three days relaying, and it's been a  
17 struggle. It is hard to keep your household running on  
18 thirty days. It is.

19 I'm a fisherman. I just want y'all to  
20 understand there ought to be some limits on our licenses  
21 being sold for this new area that is opening in Jackson  
22 County, and I will stress again, if there ain't no  
23 dredging over there for us, maybe our DMR will find us  
24 some grounds.

25 I appreciate your time.

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1 COMMISSIONER GOLLOTT: Thank you Catfish.

2 JOE JEWELL: Thank you. Appreciate those  
3 comments.

4 Are there any additional comments?

5 JAMIE MILLER: Let me say again, we've got a few  
6 others that have submitted requests to comment, but they  
7 have not identified a specific agenda item. We are going  
8 to wait for those comments at the end. Unless you want to  
9 speak on this particular agenda item, or another  
10 particular agenda item, we will hold your comments until  
11 the end.

12 JOE JEWELL: Again, Thank you. We appreciate  
13 all comments, particularly from our commercial fishermen.

14 Next I want to update the Commission on the  
15 Conservationist. I gave the Commission a more detailed  
16 update at the last Commission meeting, but I have another  
17 brief update.

18 Since the last update, the engine has been  
19 placed in the Conservationist. The next step is to start  
20 the installation of the electrical portion of the  
21 installment. The generator has been placed in. Two four  
22 hundred gallon fuel tanks have been installed. The new  
23 water tank has been installed. The hydraulic tank has  
24 been installed.

25 work has started on the overhead canopy system.

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1 It is going to be slightly different than the other one  
2 that was just a bar across with a tarp stretched. It is  
3 going to have a complete rigid frame with a tarp stretched  
4 all the way up to the overhead winch system.

5 They are starting the welding on the cabin where  
6 the roof was taken off to replace the generator and the  
7 engine.

8 The progress is really ramping up, now.

9 Next, I would like to update the Commission on  
10 the commercial quota.

11 The flounder quota is seventy-four thousand. To  
12 date, we have landed seven hundred and twenty-two pounds.  
13 That's a little low, but it's not unusual this time of the  
14 year because the flounder are just starting to move  
15 inshore into the estuary systems.

16 Red drum, the quota is sixty thousand pounds.  
17 we have reached the allotment for this portion of the  
18 season which is twenty thousand pounds, so it is closed  
19 and it will reopen on May 1<sup>st</sup>.

20 As the Commission may recall, the quota for red  
21 drum is divided up into three segments; January through  
22 April twenty thousand, May through August twenty thousand,  
23 and September through December twenty thousand.

24 We have reached the first portion quota of  
25 twenty thousand, and it is scheduled to reopen again on

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1 May 1<sup>st</sup>.

2 For spotted seatrout, the quota is fifty  
3 thousand, and we are currently at eight thousand three  
4 hundred and sixty-eight pounds.

5 Finally, I would like to update the Commission  
6 on the spotted seatrout stock assessment.

7 As you may recall, we gave a presentation on the  
8 initial data results of that committee, at the February  
9 Commission meeting. There are several milestones that I  
10 advised the Commission that had to be met.

11 First, Gulf Coast Research Lab was to complete  
12 the final data assessment and submit it to an internal DMR  
13 Stock Assessment Review Committee.

14 That was somewhat delayed. The Commission asked  
15 the Stock Assessment Panel to consider SBR's in increments  
16 of five, starting at fifteen and going all the way through  
17 forty percent.

18 That document has been submitted to the DMR.  
19 That was submitted this past Thursday. It has been  
20 submitted to the internal review team, Stock Assessment  
21 Panel Review Team at the DMR this past Friday and it is  
22 under review.

23 We have set an internal deadline of this coming  
24 Friday. I know the Commission is anxious to review that  
25 document and have that presentation as quickly as

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1 with you on that.

2 COMMISSIONER BOSARGE: Try to get a little more  
3 information on what the actual numbers are of reduction of  
4 spotted seatrout.

5 JOE JEWELL: You are sort of imagining a program  
6 very similar to the way we report for red snapper, having  
7 the recreational fishermen have a call-in number before  
8 they go and report the actual landings?

9 COMMISSIONER BOSARGE: Maybe modifying that  
10 program some, or just looking at it and seeing if we could  
11 gather some data from that.

12 COMMISSIONER GOLLOTT: If we could get some  
13 actual data that way and have something to regulate the  
14 fishery.

15 JOE JEWELL: We can do that. We will look into  
16 it and report back to you.

17 COMMISSIONER BOSARGE: One other question.  
18 When you talk about the different SBR's and you  
19 talk about the process of peer review, are you talking  
20 about peer reviewing the whole document?

21 JOE JEWELL: The entire document. There is a  
22 format that the Department of Marine Resources requires  
23 all stock assessments to be in. We review and ensure that  
24 the data in the document is compliant with that format,  
25 and, then, the Commission required that SBR be set in

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1 possible.

2 Once that review has been completed, probably  
3 likely early next week, we intend to send it to an  
4 external peer review committee. That committee is now  
5 being formed and should be in place early, or mid, next  
6 week. I don't really have a time line on that. That can  
7 be anywhere from thirty to sixty days. We are hoping for  
8 a quick turnaround, but I really can't put a deadline on  
9 that.

10 COMMISSIONER GOLLOTT: Excuse me, Joe.

11 JOE JEWELL: Sure.

12 COMMISSIONER GOLLOTT: Speaking about speckled  
13 trout, could the staff explore Tails n' Scales I think  
14 they call it on speckled trout, recreational speckled  
15 trout?

16 JOE JEWELL: We certainly can. The initial  
17 program was set up to the point where it wasn't species  
18 specific, and we could set it up for a lot of different  
19 species. It is really set up for the sort of offshore  
20 reef fisheries, not inshore.

21 What specific guidelines were you looking for,  
22 as far as the inshore recreational fisheries, spotted  
23 seatrout?

24 COMMISSIONER GOLLOTT: Yes, spotted seatrout.

25 JOE JEWELL: We can look into that and get back

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1 those percentages and increments of five and we will be  
2 reviewing that. We will be reviewing for some very  
3 specific things that it has to be set in that format. We  
4 will be reviewing the entire document. That process  
5 generally goes pretty quick.

6 COMMISSIONER BOSARGE: I thought we were already  
7 in that process of being peer reviewed. Maybe that's just  
8 my misunderstanding.

9 JOE JEWELL: Internally, that is occurring. It  
10 is under review, an internal review process.

11 Now, that formal scientific peer review, we  
12 should start that process sometime next week. We are  
13 anticipating that happening.

14 COMMISSIONER BOSARGE: All right.

15 JOE JEWELL: Are there any other questions?  
(No response.)

16 JOE JEWELL: With that being said, we are going  
17 to initiate the formal part of the Commission agenda.

18 Ms. Jessica Rankin is going to present a Seafood  
19 Technology Program update.

20 JESSICA RANKIN: Thank you, Joe.

21 Good morning Commissioners, Director Miller, Ms.  
22 Chestnut.

23 First, I would like to say I think me and Joe  
24 ended up in a bad spot on the agenda, after the officers  
25

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1 and that great demonstration that we had. I,  
2 unfortunately, have no live animals to accompany my  
3 presentation, but I'm going to do the best that I can.

4 Today I'm here to present to you a Seafood  
5 Technology Program update. I'm just going to run down  
6 some of the things that our office has accomplished, in  
7 our past certification year.

8 These are a couple of the topics I'm going to  
9 touch on briefly. I'm not going to stand up here all day  
10 and bore you guys with my seafood accomplishments, but we  
11 are going to go down this list and talk about each of  
12 these things very briefly (indicating slide).

13 These are our certified dealers from 2004 to the  
14 present. These numbers represent all of the dealers that  
15 we issue a certificate to (indicating slide).

16 To get this certificate, you have to go through  
17 a certification process that involves initial inspections  
18 and educational requirements.

19 This number "44" right here represents our  
20 oyster certificates. Now, these numbers encompass  
21 interstate shippers, reshippers, repackers, anybody that  
22 is full-service processing, anybody that is shucking and  
23 packing. Right now, we are sitting at forty-four. Before  
24 the hurricane, we were sitting at forty-three (indicating  
25 slide).

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1 So you say, I don't think so, folks. Our  
2 numbers must be a little off here.

3 Well, before the hurricane, we had a lot of  
4 bigger processors, more people were shucking and packing.

5 Now, we don't have as much of that shucking and  
6 packing larger operations, but we have more shippers, we  
7 have more reshippers and, with Marine Patrol going out and  
8 doing the fabulous job that they have been doing, they are  
9 finding more people that were operating what they thought  
10 at a retail level and really they should be certified  
11 through our office to move oysters. So our number has  
12 gone up quit a bit, and you see we are sitting at forty-  
13 four, right now.

14 This "18" down here is all of our shrimp  
15 processors. That is anybody that is shipping, or  
16 processing, our dock facilities, and we have ten people  
17 that have crab certifications (indicating slide).

18 We only have two people actively picking  
19 crabmeat here on the Coast. These other eight people hold  
20 onto this certification.

21 Why would they hold on to this certification, if  
22 they are not actively processing crabmeat?

23 We have several people that have these  
24 certifications that are not processing and the reason for  
25 that is, if they need to, they want to be able to.

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1 We have a restaurant in Moss Point that holds a  
2 crab certification, right now, and the reason for that is  
3 he cooks gumbo. He has all of this crabmeat, and he wants  
4 to be able to back these crabs and pick them, if he has an  
5 excess at the end of the day, so he holds onto this  
6 certification.

7 Now, to maintain this certification, he still  
8 has to meet all the requirements as if he was actively  
9 processing every day. He will still have to see me a  
10 couple of times a year. He still has to have a seafood  
11 hazard program in place that we will talk about later. He  
12 still has to maintain records. His sanitation items still  
13 have to be on that. He still has to maintain all of these  
14 things as if he was actively producing actual crabmeat all  
15 year long, but it just benefits him in that, if he needs  
16 to, he can.

17 There are a couple of other places. Crystal  
18 Seas maintains this for the same reason. If they need to,  
19 they have the option to.

20 Our office operates on a four-quarterly-year  
21 regulatory inspection schedule. We just finished our  
22 fourth quarter. That was the end of our regulatory year.

23 The reason why our year is laid out like this  
24 and not just January through December is because we  
25 coincide with license sales.

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1 January, February and March, we call that our  
2 recertification quarter. During recertification quarter,  
3 we visit all of our certified dealers. We go through an  
4 inspection process just like they are brand new right out  
5 of the box. We make sure that they have met all of their  
6 HACCP requirements, all of their sanitation items are in  
7 place, all of their paperwork is in place, everything  
8 looks great, and they have all of their education  
9 requirements. Then, we will recertify them for another  
10 year.

11 At the end of March, all of our certified  
12 dealers have seen me, or my counterpart. Everybody was  
13 good to go. Now, at the end of April, pending everybody  
14 has purchased their license, they will be issued a  
15 certificate for this next year.

16 For the year that we just finished, at the end  
17 of March, we had a hundred and eighty-four regulatory  
18 inspections. Now, that includes initial inspections,  
19 follow-up inspections, in case there was a problem, any  
20 type of FDA inspections that we had to do. It's just  
21 across the board, any type of regulatory inspections that  
22 we had to do.

23 A hundred and two water samples. Now, we  
24 conduct these water samples free of charge to the  
25 industry. We take them twice a year, once in March and

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Commission on Marine Resources

1 once in September, to make sure that we are meeting the  
2 water guidelines set in forth in our NSSP regulations that  
3 our State Title has actually adopted. The Federal  
4 regulations say that you have to meet these water  
5 guidelines, and we take them twice a year as a courtesy to  
6 the industry.

7 we have done over five thousand technical  
8 assistance activities. Now, you say five thousand, that  
9 seems like a really huge number for the year. There are  
10 four people in my office, and that is across all four of  
11 us.

12 when I say technical assistance activities, that  
13 is the whole gamut; anytime a retailer calls me and they  
14 have a question, anytime we go out and we answer questions  
15 about license sales, or we go and we visit a dealer that  
16 has a sanitation problem, or they have a HACCP problem.  
17 Really, it's across the board. Anytime we do something  
18 that is not a specific regulatory inspection item, we  
19 categorize it as technical assistance.

20 This year in particular we have done a lot more  
21 technical assistance because there are new changes to the  
22 Food, Drug, Cosmetic Act from the FDA. It's called FSMA,  
23 the Food Safety Modernization Act.

24 A lot of our retailers, in order to make sure  
25 they abide by those regulations, have been calling us for

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1 assistance and, because we are good at what we do, we go  
2 out and we help them the best that we can, and we will  
3 continue to do that.

4 Not only are these technical assistance  
5 activities provided for our certified dealers, our  
6 seventy-two that we looked at earlier, it is provided  
7 across the board to the entire seafood industry. If  
8 anybody has a question, they know they can call myself, or  
9 my counterpart, and we will come out and do whatever we  
10 can to assist them.

11 Over half of our certified oyster industry has  
12 conducted Mock Recalls. This is something new that we  
13 started this year. We have had recalls in the past and we  
14 wanted to be proactive for our industry, and we  
15 implemented this new program.

16 During our recertification quarter, because we  
17 had to see everybody anyway, we said, what we are going to  
18 do is we are going to sit down and do mock recalls with  
19 everybody that we can.

20 We sat down and we said, okay, we are going to  
21 make a fake scenario that somebody got sick and we are  
22 going to recall everything harvested from this day to this  
23 day. Can you do this?

24 We would sit down with that dealer, look at  
25 their receiving records and trace that product exactly

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1 where it went to figure out if they can actually show  
2 where all of that product sent, and this is really  
3 important to the industry because, if there is an illness,  
4 we need to be able to recall that product and recall that  
5 product quickly.

6 We all remember a couple of years ago when they  
7 had the big scare with cantaloup and nobody wanted to buy  
8 cantaloup. Well, Mississippi doesn't want to fall into  
9 that pot. We want to make sure that all of our product is  
10 traceable. If there is a problem, we can recall it  
11 quickly.

12 We will continue to work on this new program and  
13 ensure that all of our certified oyster industry people  
14 can actually do this mock recall.

15 I think what we are going to do is we are going  
16 to redo it every couple of years just so that they are  
17 familiar with the process. If we come back and we say  
18 there is going to be a recall, they are not panicked.  
19 They can do it and they can do it quickly and everything  
20 is great.

21 We have done thirty-seven dealer education  
22 trainings. I will focus on these a little bit more  
23 further on in the presentation and explain what that  
24 means.

25 We have done four HACCP classes, three

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1 sanitation classes and three large public outreach events  
2 where we talked to maybe not seven thousand people, but we  
3 have at least reached seven thousand people.

4 Like we were saying before, our Title regulation  
5 adopted the NSSP Regulation, the Federal Regulation, and  
6 all of our certified oyster dealers abide by this NSSP  
7 Regulation.

8 In that regulation it states that any state that  
9 has two illnesses associated with Vibrio vulnificus in the  
10 past ten years will enact a Vibrio Management Plan.  
11 Because we meet this, we have enacted a Vibrio Management  
12 Plan.

13 In response to that, in 2012, they made some  
14 changes to that Vibrio Management Plan. Because they  
15 weren't getting the reduction in Vibrio cases that they  
16 were looking for, they said, okay, we need to make some  
17 more changes, and they made some changes to the harvester  
18 requirements and the dealer handling requirements.

19 In response to those changes, we generated this  
20 Vibrio Risk Calculator. This is just a brief example, and  
21 it is based on five years of data for average air and  
22 water temperature. What this gives us is a guideline  
23 (indicating slide).

24 This green area right here that this arrow is  
25 pointing is the really important part for my office in

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1 that this maximum time to cooldown is how long my dealers  
2 have; once the harvester brings it to them, how long they  
3 have to get it down to the required temperature. The  
4 required temperature is fifty-five degrees.

5 In April, where we are right now for our  
6 example, it says that they have four hours unrefrigerated.  
7 The harvesters would have four hours -- again, this is  
8 just an example -- and, then, they would have two hours to  
9 maximum cooldown.

10 In 2012 when they came up with these  
11 regulations, our office said, okay, we will need to do  
12 some experimenting and see if this is actually doable; how  
13 long would it take our dealers to meet this fifty-five  
14 degrees.

15 what we did is we took these little smart  
16 buttons -- they are about this big and they look like a  
17 big watch battery (indicating) -- and we put them in some  
18 sacks of oysters, we left them in there, and the oysters  
19 were transported to the dealer just like they would on a  
20 normal day.

21 we came back, collected our buttons, put them in  
22 the computer, and we found out that it took them roughly  
23 about an hour and half to get down to fifty-five degrees.

24 Now, this experiment was done in November, not  
25 in April. You can see that in April, our average air

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1 our plan April through November.

2 If we harvested right now, they would fall under  
3 Vibrio Control Plans and we would ensure that they have  
4 met this limit.

5 Now, if they don't meet this limit, it has to be  
6 switched over to either being shucked, or post-harvest  
7 process.

8 All other times of the year all other shellstock  
9 harvested just needs to be maintained in the storage area  
10 at forty-five degrees and cooled to an internal  
11 temperature of fifty degrees before it is shipped out.

12 This is part of that five thousand technical  
13 assistance visits that bumped us up here lately because we  
14 are going out and actively ensuring that all of our  
15 dealers are ready, that if we harvest under Vibrio  
16 Management Plans right now which we are trying to do with  
17 all the samples we have been taking, that they will meet  
18 this guideline and they can meet it confidently.

19 The educational requirements that I talked about  
20 at the beginning, when it comes to getting certified,  
21 there are several educational requirements that our  
22 dealers must meet to be certified.

23 The first one was effective in January 2014. It  
24 says that anybody that wants to be a dealer has to obtain  
25 authority-approved training. We are the authority and we

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(228) 396-8788

1 temperature is about seventy-six, but in November it's  
2 fifty-nine. Our results might be a little different, but  
3 we can still redo our test. If we have a harvest here in  
4 April, we can do the same thing and we can see how long on  
5 average it takes them to get down to fifty-five degrees.

6 Like we were saying, right now under the example  
7 that we had, our harvesters would have four hours to get  
8 it to our seafood dealers, and, then, our seafood dealers  
9 would have two hours to get it down to the fifty-five  
10 degrees.

11 To ensure that our dealers are meeting this  
12 requirement, we changed our HACCP Plan. A HACCP Plan is a  
13 food safety system that all of our certified dealers have  
14 to have in place. It identifies the hazards associated  
15 with their process and their process specific to that  
16 facility. The hazards that are associated with every  
17 product they are handling and ways to ensure that that  
18 product does not succumb to those hazards, what you can do  
19 to prevent, eliminate, or reduce those hazards to a  
20 significant level.

21 We put these limits in their HACCP Plan. We  
22 said that if a dealer is getting shellstock harvested  
23 under State Vibrio Control Plans, if we fall under Vibrio  
24 Management time lines, that they will be cooled to an  
25 internal temperature of fifty-five degrees, according to

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1 did some training.

2 In response to this, we had several open  
3 meetings. We have conducted one-on-one trainings. During  
4 our recertification quarter when we did our mock recalls,  
5 we also did sanitation training.

6 Those thirty-seven dealer education trainings  
7 that I talked about in the beginning, that's what we are  
8 doing right now.

9 Originally, this requirement had a two-year  
10 expiration date on it. Now, they have extended it to five  
11 years, but because we were already going on that two-year  
12 thing, we had already made sure that our dealers met this  
13 guideline. Everybody has received this authority-approved  
14 dealer education, and we will continue to offer this.

15 Anytime somebody comes in from the retail  
16 community, or just anybody comes in and says, I want to be  
17 a seafood dealer, our staff will say these are the things  
18 you have to do, these are the educational requirements  
19 that you need, and we can actually offer you those  
20 educational requirements right now.

21 One of the other training requirements is that  
22 somebody on staff has to be HACCP trained. This HACCP  
23 system that all of our certified dealers have to have in  
24 place is all great, unless you have somebody to actually  
25 enact this plan. You can have the best laid plans, but,

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Commission on Marine Resources

1 if somebody doesn't understand how to make sure that those  
2 plans actually happen, they are just the best laid plans.

3 You have to have a HACCP trained personnel to be  
4 certified. In response to this, our office got trained,  
5 in 2013, to certify other people to be HACCP trained.

6 Myself and my counterpart, Jeff Davis, are now  
7 certified HACCP trainers. To date, we have certified a  
8 hundred and fifty-five people. That number is different  
9 in your packet because we just completed a course last  
10 week. We have held several of those trainings in this  
11 room.

12 Now, I said the whole industry has to have a  
13 certified personnel and they do. Everybody that is  
14 certified with us has a person that is HACCP certified,  
15 but nearly half of the industry has received training from  
16 our office, and we continue to offer it.

17 We are going to have several more classes next  
18 year. This year, we are going to host one in Hattiesburg  
19 and another one in Pearl River County just so that we can  
20 spread ourselves out a little bit, and some of the  
21 retailers that are further north of here that want to  
22 become certified dealers, this training will be easily  
23 accessible for them.

24 Do you guys have any questions?

25 COMMISSIONER BOSARGE: Just some comments.

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1 That is a lot of information, a lot to look at.

2 JESSICA RANKIN: It is. We have had a very busy  
3 year and we do a very good job, and we will continue to  
4 offer whatever assistance we can to the seafood industry.

5 We continue to get interested people that want  
6 to come in and be part of this.

7 COMMISSIONER BOSARGE: That's great, and  
8 especially with oysters, that industry is up and down. My  
9 only comment would be slow and easy to get them all in  
10 line.

11 If it's not a steady income and you are not  
12 making steady money, it's hard to make large changes and  
13 be able to afford it.

14 JESSICA RANKIN: The regulations are very  
15 intimidating for new people. There is a lot of  
16 information to take in, and we try to make it as easy as  
17 possible, do A, B and C to get to D.

18 COMMISSIONER BOSARGE: There you go. Go deal.  
19 Thank you.

20 JESSICA RANKIN: Thank you, Jessica.

21 JOE JEWELL: Thank you, Jessica.

22 Good that you noted that, Steve. In our  
23 production and harvesting and processing components of the  
24 oyster program, our first and foremost mission is public  
25 safety, and they do a really good job of that on both ends

Lucille Morgan, CSR 1251  
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1 of that.

2 COMMISSIONER BOSARGE: I agree.

3 JOE JEWELL: Next on the agenda for the  
4 Commission's consideration is a Resolution passed by the  
5 Jackson County Board of Supervisors, and I will be giving  
6 that presentation for the Commission's consideration.

7 At the March 7<sup>th</sup> meeting of the Jackson County  
8 Board of Supervisors, they passed a resolution --

9 COMMISSIONER DRUMMOND: (Interposing) Joe, you  
10 are going to have to speak up. I can't hear you.

11 JOE JEWELL: I'm sorry, Commissioner Shelby.

12 The Jackson County Board of Supervisors passed a  
13 resolution that prohibited the taking and catching of  
14 menhaden within one mile of the Jackson County coastline.

15 For the Commission's consideration and public  
16 record, I'm going to read that resolution into the public  
17 record.

18 "WHEREAS, pursuant to Title 49, Chapter 15,  
19 Section 35 of the Mississippi Code of 1972, as amended,  
20 the Board of Supervisors may request the Commission on  
21 Marine Resources adopt ordinances prohibiting the taking  
22 and catching of menhaden within certain limits of the  
23 coastline of the county so requesting; and

24 "WHEREAS, the Jackson County Board of  
25 Supervisors has determined that it would be in the best

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1 interest of Jackson County, Mississippi, and in the best  
2 interest of conserving its natural resources for the  
3 taking and catching of menhaden to be prohibited within  
4 one mile of the Jackson County coastline; and

5 "WHEREAS, a one mile prohibition on the taking  
6 and catching of menhaden is in force in Hancock and  
7 Harrison Counties, as promulgated in Title 22, Part 3, of  
8 the Rules and Regulations of the Mississippi Commission on  
9 Marine Resources (Brevoortia species) Fishing in the State  
10 of Mississippi.

11 "BE IT THEREFORE RESOLVED, that the Board of  
12 Supervisors of Jackson County, Mississippi, hereby  
13 requests that the Commission on Marine Resources adopt  
14 measures to prohibit the taking and catching of menhaden  
15 within one mile of the Jackson County, Mississippi,  
16 coastline.

17 "The motion to approve the foregoing resolution  
18 was made by Supervisor Bosarge, seconded by Supervisor  
19 Taylor, and the following vote was recorded:"

20 Supervisor Cumbest and Supervisor Harris opposed  
21 the motion.

22 Supervisors Taylor, Ross and Bosarge approved.

23 There are a couple of things for the Commission  
24 to consider. Title 22 Part 3 and Title 22 Part 5 are the  
25 controlling Commission regulations that apply to this

Lucille Morgan, CSR 1251  
COURT REPORTER  
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1 regulation, as so noted in the resolution.  
 2 They also mentioned 49-15, the State Statute. I  
 3 will read that for the Commission's consideration.  
 4 "Authority to regulate taking and catching of  
 5 menhaden.  
 6 "Upon the request of the boards of supervisors  
 7 of the respective coastal counties, the Commission may  
 8 adopt ordinances prohibiting the taking and catching of  
 9 menhaden within certain limits of the coastline of the  
 10 county so requesting, but the Commission shall not fix  
 11 such limits except upon request of the board of  
 12 supervisors, and such limit shall not exceed two miles  
 13 from the shoreline, or two miles from the corporate limit  
 14 boundaries of any municipality bordering on the  
 15 Mississippi Sound."  
 16 The Commission has asked several questions about  
 17 the boundaries and the territory applied under the  
 18 regulations and availability for the menhaden industry.  
 19 There are three sets of numbers in each of the  
 20 counties. The very top number is the total availability  
 21 of square miles of waterway for the available total  
 22 (indicating slide).  
 23 If you look in Hancock County, if you did not  
 24 consider the one-mile limit for menhaden that is passed in  
 25 that county, there is about seventy square miles

Lucille Morgan, CSR 1251  
 COURT REPORTER  
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1 available, in Harrison County, it's about four hundred  
 2 and, in Jackson County, it's about three hundred.  
 3 If you consider the menhaden season and the one-  
 4 mile limit in Hancock and Harrison Counties, that's what  
 5 that blue number represents.  
 6 Then, additionally, in Title 22 Part 5, there  
 7 are some net restrictions that apply to a lot of the net  
 8 industry, including the menhaden industry, that further  
 9 reduces the amount of water available to them, and that's  
 10 what that pink number represents.  
 11 If we look at just Jackson County where the  
 12 proposed resolution would take place, there are areas that  
 13 are being restricted to the menhaden industry.  
 14 If you will note, up in Biloxi Bay area of  
 15 Jackson County is restricted, the one-mile exclusion areas  
 16 around Gulf Islands National Seashore, Horn Island and  
 17 Petit Bois, the one-mile net restriction around Round  
 18 Island between May and September 15<sup>th</sup>, the exclusions  
 19 around the mouth of the Pascagoula River, the exclusion  
 20 around Singing River Island and Ingalls, and the exclusion  
 21 around the Grand Bay NERR (indicating map).  
 22 If the one-mile extension was passed in Jackson  
 23 County, that would restrict about twenty-two square miles.  
 24 The Commission asked me to address the statement  
 25 that was made in the resolution that stated:

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 COURT REPORTER  
 (228) 396-8788

1 "And in the best interest of conserving its  
 2 natural resources for the taking and catching of menhaden  
 3 to be prohibited within one mile of the Jackson County  
 4 coastline".  
 5 There are a couple of things the Commission has  
 6 to consider and one of them is, is it a resource issue.  
 7 From a fisheries standpoint, I included a couple  
 8 of management documents.  
 9 First is the SEDAR report of the stock  
 10 assessment, and I highlighted this statement:  
 11 "Based on those benchmarks presented, the  
 12 results suggest that generally the current stock status is  
 13 not overfished and overfishing is not occurring."  
 14 Also, from the Fisheries Management Plan  
 15 produced by Gulf States Marine Fisheries Commission which  
 16 is a more qualitative report compiled by the five Gulf  
 17 states:  
 18 "Existing regulations that have been adopted by  
 19 states to manage harvest appear to be adequate to sustain  
 20 yields and prevent overfishing."  
 21 Again, the Commission has to consider a couple  
 22 of regulations, when proposing rules and regulations on  
 23 any industry, whether it be recreational or commercial,  
 24 and a couple of State statutes.  
 25 49-15-2 Subsection A:

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 COURT REPORTER  
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1 "Conservation and management measures shall be  
 2 based upon the best scientific information available."  
 3 49-15-2 Subsection F:  
 4 "Conservation and management measures shall be  
 5 consistent with the conservation requirements of this  
 6 state, including the prevention of overfishing and  
 7 rebuilding of overfished stocks."  
 8 with that being said, the resolution for  
 9 consideration, there were submitted to our agency letters  
 10 of support for the current regulations.  
 11 There was a letter submitted by Mayor Broomfield  
 12 on behalf of the City of Moss Point that supported the  
 13 current regulations and in support of Omega Protein.  
 14 There was a letter submitted by Supervisor  
 15 Cumbest, one of the dissenting votes, in support of the  
 16 current regulations and in support of Omega Protein.  
 17 There was a company letter provided by Omega  
 18 Protein, opposing the Jackson County Board of Supervisors  
 19 resolution.  
 20 With that being said, I will be open for any  
 21 questions that the Commission may have.  
 22 JAMIE MILLER: Commission, there are several in  
 23 attendance that have completed a public comment form on  
 24 this particular agenda item.  
 25 Sandy, if it is appropriate, we would like to

Lucille Morgan, CSR 1251  
 COURT REPORTER  
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1 have those in attendance who have requested a comment to  
 2 come up, now.

3 SANDY CHESTNUT: Yes.

4 JAMIE MILLER: I think we have at least four. I  
 5 will hand those to the Chairman, and he can call those up  
 6 so they can make their comments.

7 JOE JEWELL: I do want to note that there are  
 8 several industry members who would like to make comments.  
 9 Mr. F. J. Eicke from the CCA has requested public comment.  
 10 Mr. Rick Schillaci has requested public comment. Mayor  
 11 Broomfield is in the audience and also would like to make  
 12 public comment.

13 COMMISSIONER GOLLOTT: At this time, I would  
 14 like to call Mayor Broomfield to speak on behalf of Moss  
 15 Point.

16 BILLY BROOMFIELD: To the Chairman, to the  
 17 Executive Director and Commissioners, to ladies and  
 18 gentlemen good morning.

19 COMMISSIONER GOLLOTT: Good morning, sir.

20 BILLY BROOMFIELD: I'm here today to ask the  
 21 Commission to not take any action on this resolution, and  
 22 the reason I make this request is because many of you know  
 23 I served in the legislature for twenty-two years and one of  
 24 the committees upon which I served, at the time, was  
 25 Conservation and Water Resource which later became Marine

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1 understood it, one of them made a campaign promise that  
 2 that was what he would do, if he got elected.

3 well, you can make those promises, if you like,  
 4 but I think when you commit, you should commit based on  
 5 data. You should commit based on the best facts that are  
 6 out there.

7 I'm telling you that, between the Federal  
 8 regulatory agencies and the Department of Marine  
 9 Resources, nobody can do that job any better than those  
 10 regulatory agencies.

11 Now, Omega submits over fifty million dollars to  
 12 the economy in Jackson County, on an annual basis. They  
 13 have over a twelve million dollar payroll. They have been  
 14 in the City of Moss Point for over fifty years and have  
 15 continuously been good stewards, and they have done things  
 16 that were not required of them, but that they believe were  
 17 in the best interest of the industry, as well as the City  
 18 and the county, to include restricting themselves a half a  
 19 mile off shorelines.

20 They did that. You didn't do that. The Federal  
 21 agencies didn't do that. They decided that that is what  
 22 they should do, by virtue of the fact that if they came  
 23 any closer, they believed they would damage the  
 24 environment.

25 I'm saying to you that environmentally and I'm

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1 Resources.

2 It was alleged, during that time, that Omega  
 3 Protein was overfishing certain species. We had hearings  
 4 that lasted several days in the legislature, and the one  
 5 question that we continued to ask that we never got an  
 6 answer to is what data do you possess that indicates that  
 7 Omega has not followed the law that is set by this  
 8 organization, DMR, as well as the Federal regulatory  
 9 agencies, and nobody could present any data that suggests  
 10 that.

11 I'm suggesting to you that I'm convinced that  
 12 the DMR does an admirable job in protecting our waters and  
 13 the species within our waters that are consumed by the  
 14 public.

15 I'm also convinced that there is nobody on any  
 16 Board of Supervisors who has that expertise. Although the  
 17 law gives them that authority to make that request to you,  
 18 I think it should be made based on data, based on  
 19 something that somebody has decided, through study, that  
 20 that is a legitimate request.

21 To this day, gentlemen, I have not seen any data  
 22 that suggests menhaden are being overfished, and that is  
 23 probably why the Board of Supervisors did not vote  
 24 unanimously because they knew.

25 You have two new people on that board and, as I

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1 saying to you in terms of safety, it is my opinion that  
 2 Omega Protein has done all of the things that an industry  
 3 should do to protect all of the species in our waters, and  
 4 there are no predictor fish that have ever been endangered  
 5 by what Omega does.

6 I also want to submit to you that the reason I  
 7 know as much as I know about Omega is, one, as I said to  
 8 you earlier, they did come to the legislature and we did  
 9 an extensive hearing, but I took the liberty because I  
 10 already knew about the regulatory guidelines from the DMR,  
 11 but I took the liberty of studying the regulatory  
 12 guidelines of the Federal Government, and I submit to you  
 13 that Omega does not operate willy-nilly because of those  
 14 two agencies.

15 You do an admirable job of making sure of that,  
 16 and I don't understand why the Board of Supervisors is  
 17 requesting that they be a mile offshore.

18 We all know that a mile offshore in Jackson  
 19 County is certainly different than a mile offshore in  
 20 Harrison County. If you do a mile today, next year it is  
 21 going to be two miles. After that, it is going to be five  
 22 miles.

23 Where does it stop and what is the real  
 24 significant purpose for that request?

25 I want to thank you for giving me this

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 COURT REPORTER  
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Commission on Marine Resources

1 opportunity to address you, but I want to plead with you  
2 not to honor this request because it certainly is not  
3 necessary.

4 We should not be having this discussion today  
5 concerning this issue because there is not a problem. It  
6 is a perceived problem based on a specific group of people  
7 who want to have whatever it is they are looking for, and  
8 it certainly is not because of somebody violating the laws  
9 of the land.

10 Thank you so very kindly.

11 COMMISSIONER GOLLOTT: Thank you, Mayor.

12 Next is Julia O'Neal.

13 JULIA O'NEAL: My name is Julia O'Neal. I'm  
14 from Ocean Springs so I'm a citizen of Jackson County.

15 I appreciate the chance to talk about this. I  
16 have read Franklin's book "The Most Important Fish in the  
17 Sea", and have written a little bit about it.

18 What I remember every time I think about the  
19 menhaden industry is my last trip to Cape Cod, and they  
20 are everywhere. You could practically walk on them in the  
21 water and all of the other animals, the seals particularly  
22 are doing beautifully. Everything is much more  
23 prosperous.

24 I couldn't help but look at Joe Jewell's  
25 presentation about the last report, and it was 2002. This

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1 is an awful long time. A lot of water has gone under the  
2 bridge and a lot of oil has gone into the Gulf, since  
3 2002. I don't think that is a very valid scientific  
4 report to base a judgment like this on.

5 Twenty-two square miles is not a lot of  
6 territory. In Jackson County, we kind of feel that  
7 Harrison and Hancock, if they can have a mile, why can't  
8 we have a mile.

9 These boats don't need to be turning around in  
10 shallow water like that tearing up the Sound.

11 Alabama and Florida don't allow it at all, not  
12 just a mile. They just don't allow it, and all the  
13 Atlantic seacoast doesn't allow it, except for the  
14 Chesapeake Bay.

15 As usual, Mississippi is somewhat behind.  
16 Alabama and Florida have done this so that they can have a  
17 better tourist industry, a better charter boat industry.

18 I certainly hope Mr. Eicke will talk more  
19 definitely about that because he knows.

20 One other thing. If Omega is such a great  
21 steward, then, why was this whole thing precipitated by  
22 some people getting on Omega boats and finding that they  
23 had red fish that they weren't supposed to have and they  
24 got a ticket.

25 They went to the State legislature and tried to

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1 get a bill passed so that they wouldn't have to have any  
2 restrictions on bycatch.

3 This thing is kind of a domino, and it keeps on  
4 rolling. I don't see that the future is very good for the  
5 rest of the sound, if we don't do something to control the  
6 menhaden fishery.

7 Last night there was a story about the Kemp  
8 Ridley turtles, and they don't really know what is  
9 damaging them.

10 We got some national reports about the dolphin  
11 prenatal deaths. One thing dolphins do like is food and  
12 menhaden, they do eat.

13 I don't know that the Kemp Ridley has anything  
14 to do with the menhaden industry, or BP, or what, but we  
15 don't have a terribly healthy Gulf right now, and one  
16 thing we could do is fish a little less for menhaden a  
17 little farther from the shore.

18 Thank you.

19 COMMISSIONER GOLLOTT: Thank you, ma'am.

20 Joe Jewell, wasn't there a report in 2013?

21 JOE JEWELL: Yes, the SEDAR Stock Assessment was  
22 in 2013.

23 She was referencing the FMP.

24 There were two reports I gave. The stock  
25 assessment was from 2013.

Lucille Morgan, CSR 1251  
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1 COMMISSIONER GOLLOTT: 2013 came out pretty  
2 good, didn't it?

3 JOE JEWELL: Yes.

4 COMMISSIONER GOLLOTT: Thank you, Joe.

5 Next we are going to hear from Mr. F. J. Eicke.

6 F. J. EICKE: My name is F. J. Eicke. I'm  
7 speaking on behalf of the Coast Conservation Association  
8 of Mississippi.

9 I have a statement that I have distributed to  
10 the Commissioners and would, quite frankly, like to pretty  
11 much read it into the record so it is on record.

12 However, before I do that, if you wouldn't mind  
13 letting me make a couple of comments about the question  
14 you just asked, Chairman Gollott.

15 The SEDAR Stock Assessment that you talked about  
16 in 2013 was a study that covered the whole Gulf. It's a  
17 gulf-wide study, and we know that eighty-something percent  
18 of the menhaden that are caught in the Gulf are taken off  
19 of Louisiana.

20 We are a relatively small percentage here in  
21 Mississippi. You do the math and it's twenty percent, or  
22 less, but it's significant because we are talking about  
23 the Mississippi Sound which is a limited body of water.

24 I have discussed the SEDAR at length with Dr.  
25 Robert Leaf who is at the Gulf Coast Research lab and one

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Commission on Marine Resources

1 of the things that we have addressed -- and he has no  
2 answer for and I don't have an answer for -- is that the  
3 SEDAR that you are referring to specifically did not  
4 include any functions of menhaden, other than a stock  
5 assessment. It didn't include anything about predators,  
6 specifically stating so.

7 We have a problem with the research in the  
8 menhaden industry that it simply doesn't exist. I am  
9 currently serving on a SEDAR myself that involves red  
10 drum, and what we are finding is that there are no studies  
11 and there are interactions between red drum and menhaden.

12 Let me stop at that point. I think that needed  
13 to be clarified because a simple statement like that  
14 really doesn't tell the whole story.

15 If we studied speckled trout from a Gulf-wide  
16 perspective, we wouldn't have a problem, but what that  
17 study that y'all are addressing apparently shows is that  
18 we do have a problem in Mississippi.

19 Louisiana, maybe and maybe not. I don't know.  
20 That isn't our concern. Our concern is Mississippi, and  
21 the same thing is true here.

22 With your indulgence, I would like to read my  
23 comments into the record.

24 The Coastal Conservation Association, CCA, of  
25 Mississippi supports the resolution of the Jackson County

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

1 Board of Supervisors to limit the taking and catching of  
2 menhaden within one mile of the shoreline of Jackson  
3 County, consistent with the established limits in effect  
4 for Hancock and Harrison Counties that also apply, I might  
5 add, to the National Park Service and, as Mr. Jewell  
6 outlined, those areas are designated on the charts that he  
7 was showing.

8 Mississippi Code 49-15-35 does not specify any  
9 conditions that apply to you as a Commission, other than  
10 upon request of the boards of supervisors of the  
11 respective coastal counties -- and there are only three --  
12 and does not define may in the statute.

13 Given the statute that delegates the authority  
14 to this Commission and since this precedent is well  
15 established and has been in effect for years in all  
16 shoreline areas except Jackson County, CCA of Mississippi  
17 thereby views approval by the Commission has a straight  
18 forward administrative procedure with no reasonable  
19 grounds for not approving, and, then, amending Title 22  
20 Part 3.

21 Should the Commission vote to not confirm, as  
22 has been suggested to you, the lawful request of the  
23 Jackson County Board of Supervisors, CCA holds that the  
24 burden of proof falls on the Commission to establish  
25 grounds for not confirming this resolution.

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1 CCA has stated publicly our concern with the  
2 bycatch that is likely associated with this purse seine  
3 fishery.

4 CCA would welcome an assessment of public data,  
5 by the staff of the department, to determine whether there  
6 are any reasonable grounds for confirming, or denying,  
7 this resolution based on the objections of the Commission.

8 To this point, CCA believes that the attached  
9 slides which are included in the handout I provided to you  
10 from presentations by Joseph W. Smith who is with the  
11 National Marine Fishery Service Laboratory and is  
12 considered the expert on menhaden and Dr. Robert Leaf of  
13 our own GCRL who served on SEDAR 32A that was referenced  
14 earlier that, as I indicated, specifically did not include  
15 any interactions with predators of any type. Predators  
16 are fish, birds and marine mammals.

17 These slides, I think, start to present a  
18 reasonable basis for assuming that bycatch would be  
19 reduced by imposing a one-mile limit in Jackson County, as  
20 it is for every other shoreline on the Mississippi Coast.

21 This has already been mentioned by Ms. O'Neal.  
22 The primary company pursuing the catching of menhaden by  
23 purse seine in Mississippi waters has stated publicly that  
24 it self-imposes a half-mile limit that indicates a concern  
25 with bycatch, with a prohibition of taking the red drum,

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1 being one managed species that they are specifically  
2 prohibited from retaining.

3 Self-imposed however is not regulation and,  
4 therefore, action by this Commission is needed.

5 The company caused bills to be filed in the  
6 current legislative session to allow retention of red drum  
7 as bycatch. It is reasonable to assume that red drum and  
8 certain other important managed species allowed as bycatch  
9 and identified as interacting with menhaden are more  
10 likely to be caught as bycatch within one mile of a  
11 shoreline.

12 That factor clearly led to the company proposing  
13 the bycatch allowance bill, following citations for  
14 violations. We have no idea whether there were citations  
15 previously, but there probably could have been.

16 CCA appreciates the decision of the Senate and  
17 House committees to which these bills were assigned, when  
18 no action were taken and thus retained the current  
19 provisions of this statute.

20 We recognize, however, that there are bycatch  
21 issues beyond the focus on red drum, as the final chart  
22 shows in data form, and that has to do with the  
23 interactions of various predator species with menhaden.

24 Any discussion of the broader issues that may be  
25 incumbent with regard to the purse seine fishery for

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Commission on Marine Resources

1 menhaden in Mississippi waters is not relevant to action  
2 on this agenda item, and some of the comments you have  
3 heard have gone beyond what is involved in this particular  
4 case regarding a difference between a self-imposed half  
5 mile and one mile that you would set as regulation.

6 The Jackson County Board of Supervisors has  
7 passed this resolution and CCA really expects the CMR to  
8 confirm the request and thus establish a one-mile limit  
9 that would apply to all coastal areas of Mississippi,  
10 including our barrier islands.

11 I have put with those things some indications of  
12 problems that I think we need to recognize. If a purse  
13 seine was set within that one mile -- by the way, when you  
14 fail to do this, even though the company self-imposes a  
15 half mile and, as I said, self-imposed is not regulation.  
16 It is self-imposed and it can be broken at any time -- you  
17 are actually apparently, I thought, talking about the  
18 company being able to go all the way up to the CSX  
19 railroad.

20 I didn't know the restrictions that Mr. Jewell  
21 brought up, with regard to areas that were restricted, but  
22 apparently there are some that I was not aware of.

23 The bottom line is they could go up the river,  
24 apparently. I'm not sure.

25 The other thing is that in his presentation to

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1 something that the Supervisors of Jackson County have a  
2 right to ask this Commission to approve, on the basis of  
3 conservation of our natural resources.

4 Thank you.

5 COMMISSIONER GOLLOTT: At this time, I would  
6 like to ask Sandy to clear up something.

7 would you read the law and tell us what may  
8 means?

9 SANDY CHESTNUT: You are talking in reference to  
10 49-15-35?

11 COMMISSIONER GOLLOTT: That's correct.

12 SANDY CHESTNUT: That states that the Commission  
13 may adopt ordinances prohibiting the taking and catching  
14 of menhaden within certain limits of the coastline of the  
15 counties so requesting.

16 The term "may" is used so that it gives the  
17 Commission the leeway to establish that, or not, based on  
18 the evidence that has been presented.

19 As Joe Jewell pointed out in his presentation,  
20 when the Commission is setting regulations, they do have  
21 to take into consideration those items identified in 49-  
22 15-2. I think he pointed out several, in his  
23 presentation, that apply in this case, and I'm sure he can  
24 go back over those, if you want him to put those back up  
25 on the screen.

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1 the DMR and GCRL Fisheries Workshop on April the 23<sup>rd</sup> of  
2 2014, Dr. Leaf included, as part of one slide that he  
3 presented, the statement that ninety-six percent of the  
4 catch harvested, the menhaden catch harvested is within  
5 zero to ten miles from the shoreline. He is saying zero,  
6 and these boats have been observed much closer, in all  
7 likelihood, than one mile.

8 If you ask the enforcement folks here -- and I  
9 have done it on my part -- they have probably received  
10 numerous reports that the boats were within one mile of  
11 the Harrison County shoreline.

12 Now, they investigated, and I don't know what  
13 the end result of that was. It is something, however,  
14 that should be viewed and policed on a regular basis.

15 The other thing is that when we talk about what  
16 would be harvested on one single set, if it occurred, even  
17 between this half mile to one mile that we are talking  
18 about here, Joseph Smith says that the average set yields  
19 seventeen to twenty-two metric tons, but I would point out  
20 to the Commission that figure turns out to be over thirty-  
21 seven thousand pounds to forty-eight thousand pounds.

22 The allowance that Omega has, right now, is five  
23 percent of catch of bycatch by weight per set.

24 want to do those figures?

25 They could be astronomical and, to me, that is

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1 COMMISSIONER GOLLOTT: I don't think that is  
2 necessary. Thank you, Sandy.

3 SANDY CHESTNUT: Okay.

4 COMMISSIONER GOLLOTT: Personally, I have seen  
5 pogy boats working and I asked the officers that were  
6 present. I said, "How far off the shore are they?"

7 They said, "well, they are a mile."

8 well, they looked like they were a quarter of a  
9 mile. I don't think you can look out there and tell me if  
10 a pogy boat is a mile, or a half a mile, off the beach in  
11 Harrison County, or in any of the counties.

12 F. J. EICKE: Can I make one other request?

13 COMMISSIONER GOLLOTT: Yes, sir.

14 F. J. EICKE: If I'm not mistaken, based on, for  
15 example, the chart that I gave you where the sets are  
16 identified by location, the captains of these boats are  
17 required, in their reporting, to indicate the position of  
18 the boat when the set was made.

19 Joe, am I correct on that?

20 JOE JEWELL: That's correct.

21 F. J. EICKE: I would like the Commission to be  
22 able to look at that data and make sure that what we are  
23 talking about is what we are talking about because, if I  
24 look at charts that are available from presentations, for  
25 example, from 2009 by Mr. Smith, Joseph Smith, there are

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1 indications that some of those sets that he has  
2 graphically projected may be within one mile.

3 They are clearly within one mile in places like  
4 Louisiana because, to my knowledge, they don't have any  
5 limitations.

6 I had kind of a serendipitous observation one  
7 day, when I was flying from Gulfport to Houston. They  
8 were flying along the Coast and it was a clear day, and I  
9 looked down and there were the pogy boats working and,  
10 believe me, they weren't a mile offshore working Louisiana  
11 beaches.

12 Now, does that occur in Jackson County?

13 I don't know. Let's find out. Let's find out  
14 if the data from the captains which they are responsible  
15 for providing and which, hopefully, can be verified in  
16 some manner actually shows that these boats are working  
17 where they say they are working and how close to the shore  
18 are they really because the data is available. It is  
19 sitting there. It is reported.

20 The Fisheries Division, as I understand it, has  
21 that data. As I understand it, the Fisheries Division has  
22 bycatch and catch data which we don't have available  
23 because it's pretty secret. At any rate, I bring that  
24 before the Commission.

25 COMMISSIONER GOLLOTT: Thank you, Mr. Eicke.

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1 Maybe Rick Schillaci can answer some of these  
2 questions.

3 RICK SCHILLACI: I'm Rick Schillaci, and I'm  
4 speaking on behalf of Omega Protein.

5 Some of the questions that Mr. Eicke has brought  
6 up, yes, all of our captain daily logs, fishing logs, they  
7 are marked when they make a set. We also have boat tracks  
8 on our vessels so that they know exactly where the boats  
9 are, at any particular time, and it is also documented for  
10 that time.

11 We can go back and look and see where our boats  
12 are. It's on a computer. You can sit there and see  
13 exactly where they are.

14 We do not fish within one mile of Harrison  
15 County, or Hancock County.

16 We do fish within the one mile in Jackson  
17 County, with the exception of the areas that Mr. Jewell  
18 showed.

19 What I would like to present to you today is  
20 basically my statement. I'm not going to give you half  
21 truths, lies and innuendoes. I'm going to give you  
22 scientific fact, and that's what I'm here for.

23 I'm here today to address the proposed  
24 regulation which would prohibit menhaden fishing within  
25 one mile of Jackson County shoreline.

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1 Omega Protein has a long history of fighting to  
2 make sure that any fisheries management measure is based  
3 upon sound science and data

4 According to the most recent peer review, Gulf  
5 States Marine Fisheries Commission Stock Assessment, which  
6 is the multi-state management authority that helps to  
7 regulate menhaden, menhaden is one of the most monitored  
8 species in the Gulf of Mexico with data going back to the  
9 1970's, all of which has been voluntarily made public and  
10 available to the National Marine Fisheries Service and the  
11 Mississippi Department of Marine Resources.

12 On the Gulf States Marine Fisheries Commission  
13 website, in the menhaden section, the best available  
14 science reads as follows:

15 The population, it's abundant, not overfished.  
16 Fishing rate at appropriate levels. No overfishing.  
17 Ecosystem bycatch. Menhaden are fished with purse seines  
18 in shallow waters. This gear does not drag across the sea  
19 floor so there are minimal impacts to habitat. Fishermen  
20 set purse seines on tightly packed schools of menhaden so  
21 catch is fairly efficient with minimal incidental catch,  
22 or bycatch, of other species.

23 Environmental factors. Overall Gulf menhaden  
24 populations are very resilient in their ability to handle  
25 short- and long-term environmental changes. They are

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1 occasionally victims of large fish kills related to  
2 freezing temperatures, as well as periods of low, or no,  
3 dissolved oxygen caused by plankton blooms.

4 According to the five-state Fishery Management  
5 Commission, Gulf States, which the Mississippi Department  
6 of Marine Resources is a member of, the menhaden fishery  
7 is healthy. There is no biological justification for  
8 pushing menhaden fishery one mile offshore of Jackson  
9 County.

10 In 2015, Omega Protein's economic impact to  
11 Mississippi and, in particular, Jackson County was in  
12 excess of fifty-four million dollars.

13 At a time when jobs are scarce, according to a  
14 recent article in the Mississippi Press dated March 16<sup>th</sup>,  
15 2016, the headline reads "Mississippi has worse Jobless  
16 Rate in Nation".

17 Not only does Omega Protein contribute jobs and  
18 tax revenue to our coastal community, we believe we have a  
19 social responsibility as well.

20 You are all probably familiar St. Vincent de  
21 Paul. Omega Protein donates to the St. Vincent de Paul  
22 charitable pharmacy program to help the poor and needy who  
23 cannot afford the high cost of prescription drugs.

24 Our donations to Vitamin Angels will aid a  
25 hundred thousand children to receive two doses of Vitamin

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1 A.  
 2 Through our donations with No Kid Hungry, two  
 3 hundred and fifty thousand meals will be provided to  
 4 children in households that struggle to put food on the  
 5 table.  
 6 We are also involved in the Ronald McDonald  
 7 House, Our Daily Bread, Cancer Awareness and a variety of  
 8 food banks, just to name a few.  
 9 In addition to our community service through  
 10 non-profit organizations, Omega Protein is trying to be a  
 11 steward to all fishermen as well. We understand that  
 12 commercial and recreational fishermen share our marine  
 13 waters.  
 14 We have made it our policy to do our part to  
 15 increase recreational opportunities, by donating our  
 16 retired vessels to become artificial reefs. We want to  
 17 work with recreational fishermen to promote our resources  
 18 in our community in a way that shows a spirit of unity,  
 19 not divide.  
 20 We understand that the waters of our state are  
 21 for both commercial and recreational fishermen.  
 22 Menhaden fishery is not only a good steward of  
 23 the environment, but of the community, in particular  
 24 Jackson County.  
 25 If there was a conservation motivation for

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 COURT REPORTER  
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1 pushing our industry a mile offshore in Jackson County, we  
 2 would gladly comply because we understand the importance  
 3 of healthy and sustainable fisheries and ecosystems, but  
 4 there is no scientific rationale for this propose  
 5 regulation.  
 6 The Commission is comprised of individuals who  
 7 have certain fishing expertise and experience. Your  
 8 background qualifies you as Commissioners to be the body  
 9 that manages our fisheries resource.  
 10 The legal statutes that you all abide by require  
 11 a specific standard to be met, in order to promulgate a  
 12 fishing regulation.  
 13 First, the regulation being considered must be  
 14 based on the best science information available. The best  
 15 science available states that the menhaden fishery and  
 16 supporting ecosystem is healthy and, therefore, this  
 17 proposed regulation is unwarranted.  
 18 Second, the State statute says that the  
 19 Commission must strive to minimize adverse economic  
 20 impacts on fishing communities. This regulation does just  
 21 the opposite.  
 22 Third, State statute says that fishing  
 23 privileges must be granted in a way that is fair and  
 24 equitable for both user groups. This regulation would  
 25 prevent only one specific group from utilizing these

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

1 marine waters, while allowing all others to fish within  
 2 the one mile from shore.  
 3 If there was a scientific conservation threat  
 4 within the one-mile area, then, this regulation may have  
 5 merit, but there is none.  
 6 It seems some locals of our community do not  
 7 like seeing our boats close to the shore, as stated in the  
 8 March 7<sup>th</sup>, 2016, Sun Herald.  
 9 However, many in our community think just the  
 10 opposite and actually enjoy seeing commercial fishing  
 11 vessels which is a large part of our heritage.  
 12 Please use your fishing expertise to evaluate  
 13 this proposed resolution, based on the statutes and  
 14 standards this Commission manages its fisheries by. If  
 15 you do so, you will see that this resolution has no  
 16 credit.  
 17 In closing, let me just say that a big part of  
 18 Mississippi's economy is commercial fishing. It is what  
 19 built the Mississippi Gulf Coast and, by the grace of God  
 20 and the help those hardworking people in the commercial  
 21 fishing industry, along with this Commission, commercial  
 22 fishing will endure. I am confident of that statement.  
 23 Thank you very much.  
 24 COMMISSIONER GOLLOTT: At this time, I would  
 25 like to call a recess for about fifteen minutes.

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1 (whereupon, a recess was taken.)  
 2 COMMISSIONER GOLLOTT: I call this meeting back  
 3 to order.  
 4 I would like to ask Mr. Joe Jewell to come back  
 5 to the podium.  
 6 JOE JEWELL: Yes, sir.  
 7 COMMISSIONER GOLLOTT: I think the Commission  
 8 has some questions for you.  
 9 COMMISSIONER BOSARGE: Joe, could you maybe go  
 10 back to the resolution and elaborate just a little bit on  
 11 the comments Mr. Eicke made and what they asked us to look  
 12 at and the reason why?  
 13 JOE JEWELL: I can do that.  
 14 COMMISSIONER GOLLOTT: Predators and stock  
 15 assessment and bycatch.  
 16 JOE JEWELL: First, I wanted to explain my role  
 17 and why I'm here and why I'm doing the presentation. I'm  
 18 the Director of Marine Fisheries, and this is a Marine  
 19 Fisheries issue.  
 20 I read the resolution into the public record.  
 21 when we look at the resolution, we really have to consider  
 22 a couple of processes that are occurring.  
 23 COMMISSIONER GOLLOTT: You need to talk a little  
 24 louder. Shelby can't hear you.  
 25 JOE JEWELL: I'm sorry, Commissioner Drummond.

Lucille Morgan, CSR 1251  
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Commission on Marine Resources

1 I apologize for the second time this morning.  
 2 There are a couple of processes that are  
 3 occurring simultaneously with this resolution. There is  
 4 sort of a resource issue that is defined in the second  
 5 sentence of the second paragraph where the Board of  
 6 Supervisors make the statement:  
 7 "And in the best interest of conserving its  
 8 natural resources for the taking and catching of menhaden  
 9 to be prohibited within one mile of the Jackson County  
 10 coastline".  
 11 As the Commission may recall, you asked that  
 12 question of me a couple of times, and that is the reason,  
 13 in the presentation, I put those two reports for your  
 14 consideration.  
 15 From a scientific perspective which is what I'm  
 16 here to address, that stock is not being overfished, or  
 17 undergoing overfishing. Now, that's all I can address,  
 18 from a scientific perspective.  
 19 There is another process that is simultaneously  
 20 going on. There is sort of a regulatory political process  
 21 that is going on that the Jackson County Board of  
 22 Supervisors has enacted. That's a legal process. They  
 23 had the right to make that recommendation.  
 24 It is defined in 49-15-35 that I read into the  
 25 public record. It says the authority to regulate the

Lucille Morgan, CSR 1251  
 COURT REPORTER  
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1 taking and catching of menhaden, upon the request of the  
 2 Board of Supervisors of the respective coastal county.  
 3 The Board of Supervisors has the right and the authority  
 4 to make that request.  
 5 Those are two separate actions and two separate  
 6 perspectives that the Commission on Marine Resources has  
 7 to consider this morning.  
 8 I'm simply here to address the Marine Fisheries  
 9 perspective about the resiliency of the stock.  
 10 Now, the Commission has to consider all of the  
 11 perspectives that are being presented here today. They  
 12 have to consider all of the comments that were made this  
 13 morning by the public and by the respective members of the  
 14 industry, the Omega Protein representative, the CCA  
 15 representative.  
 16 Now, there were comments made about bycatch.  
 17 That is a legitimate concern by the members of the CCA,  
 18 but that is not what was in the resolution. That  
 19 statement I read to you was what was in the resolution  
 20 that the Jackson County Board of Supervisors asked the  
 21 Commission on Marine Resources to consider.  
 22 If the Commission so chooses to consider other  
 23 things that were presented to them this morning, that is  
 24 the Commission's option, but the Jackson County Board of  
 25 Supervisors asked for a couple of very specific things for

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1 the Commission to consider, and I will read that for you  
 2 again:  
 3 "WHEREAS, the Jackson County Board of  
 4 Supervisors has determined that it would be in the best  
 5 interest of Jackson County, Mississippi, and in the best  
 6 interest of conserving its natural resources for the  
 7 taking and catching of menhaden to be prohibited within  
 8 one mile of the Jackson County Coastline".  
 9 Those are the two things that the Jackson County  
 10 Board of Supervisors has requested the Commission to  
 11 consider for potentially adopting the one-mile barrier for  
 12 the taking and catching of menhaden.  
 13 COMMISSIONER BOSARGE: In that State statute, it  
 14 says we may follow what they ask for.  
 15 JOE JEWELL: That's correct.  
 16 I think Sandy can further clarify that, but I  
 17 read that into the public record. The word they used was  
 18 may.  
 19 COMMISSIONER BOSARGE: But, also, at the same  
 20 time, we have to abide by Title 49-15-2 that says  
 21 conservation management measures will be based upon the  
 22 best scientific information available.  
 23 49-15-2(f) says:  
 24 "To the extent practical minimize adverse  
 25 economic impacts on those fishing communities."

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

1 There are a couple of State statutes which we  
 2 have to abide by here, in making this decision.  
 3 I don't see a need for this. I think that the  
 4 menhaden industry takes it upon themselves to do certain  
 5 things, but they are also mandated to do certain things,  
 6 and they do a good job of what they do.  
 7 Of course, it's just my personal belief that  
 8 they are a steward of the environment and they are a  
 9 steward of the community. They provide a service and jobs  
 10 for the community.  
 11 The last thing I want to see is another  
 12 industry, especially another industry in Jackson County,  
 13 leave Jackson County.  
 14 I would like to make a motion, but I will leave  
 15 the floor open for discussion.  
 16 COMMISSIONER GOLLOTT: Let me say that I have  
 17 read through the notes that we received ahead of time, and  
 18 I have not found any scientific justification for passing  
 19 this resolution.  
 20 If you would like a motion, go ahead.  
 21 COMMISSIONER BOSARGE: I would like to make a  
 22 motion that after hearing the staff's presentation and  
 23 listening to the public comments and reading the State  
 24 statutes, that we leave the regulations that are in place  
 25 now as is and that we do not consider the resolution.

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Commission on Marine Resources

1 COMMISSIONER GOLLOTT: In other words, you want  
2 to deny the Jackson County Board of Supervisors'  
3 resolution?

4 COMMISSIONER BOSARGE: Yes, sir.

5 COMMISSIONER GOLLOTT: We have a motion.

6 Do we have a second?

7 COMMISSIONER DRUMMOND: I'll second the motion,  
8 Mr. Chairman.

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

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

13 COMMISSIONER GOLLOTT: Opposed?  
14 (None opposed.)

15 COMMISSIONER GOLLOTT: Motion carries  
16 unanimously.

17 JOE JEWELL: That concludes the Office of Marine  
18 Fisheries presentation.

19 Any more questions?

20 COMMISSIONER GOLLOTT: Thank you, Joe.

21 JOE JEWELL: Thank you

22 COMMISSIONER GOLLOTT: Next is Mr. Jan Boyd.

23 JAN BOYD: Good morning Mr. Chairman,  
24 Commissioners, Director Miller, Ms. Chestnut.

25 Coastal Zone Management has one item on the

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1 agenda for your consideration this morning, and Willa  
2 Brantley will be presenting that.

3 WILLA BRANTLEY: Good morning. I will try to  
4 make this as quick as possible because I know this is a  
5 long meeting.

6 This is a request to go out on Notice of Intent  
7 for the adoption of Title 22 Part 23 which will be titled  
8 "Rules and Regulations for the Coastal Wetlands Protection  
9 Law and the Mississippi Coastal Program".

10 I will give you a real quick overview of what we  
11 do in wetlands Permitting. Some of our Commissioners are  
12 new, since we have done an overview like this. I wanted  
13 to go over the two laws that cover what we do.

14 There is a Federal law and a State law. So we  
15 do, basically, two jobs at the same time. One is mandated  
16 by the Coastal Zone Management Act. That's the Federal  
17 law. One is mandated by the Coastal Wetlands Protection  
18 law which is the State law. Both of those tell the  
19 Commission to come up with a Coastal Program for managing  
20 the resources of the State of Mississippi.

21 The Federal law covers federal activities that  
22 include federal impacts such as dredging of the federal  
23 navigation channels, federal permits that are issued,  
24 federal grants that are given, and energy exploration and  
25 production on the outer continental shelf.

Lucille Morgan, CSR 1251  
COURT REPORTER  
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1 what we are supposed to do, under that law, is  
2 come up with three things: the Coastal Zone that we want  
3 to manage, specific activities from those federal  
4 activities that we think could have an impact on our  
5 Coastal resources, or uses, and enforceable policies that  
6 govern those activities.

7 Once we do that and NOAA has approved that plan,  
8 we are issued a grant from NOAA and that grant is  
9 administered by NOAA.

10 This revision that we are proposing is based on  
11 a 3-12 evaluation by NOAA that was conducted in 2009.

12 They come every five to eight years and do an  
13 evaluation of our program. The last time they were here  
14 was March 2009, and they gave us a necessary action to  
15 complete an update of our program document that addresses  
16 changes to DMR regulations, changes in development  
17 patterns and natural resource issues, and the  
18 reorganization of relevant state agencies and offices.

19 The Coastal Program was originally adopted on  
20 October 1<sup>st</sup>, 1980, and it was revised in October of 1988.  
21 That is twenty-eight years, since we have revised our  
22 Coastal Program and there are a lot of statute changes  
23 that have taken place and even agency names.

24 For example, the DMR itself has come to be the  
25 Department of Marine of Resources, rather than the Bureau

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

1 of Marine Resources under Wildlife, Fisheries and Parks.  
2 Our current document doesn't even reflect that we are our  
3 own State agency.

4 I want to point out that there are no  
5 substantive changes in this current revision. It doesn't  
6 give us any new authorities over any types of activities  
7 and it doesn't add any requirements to the application  
8 process for people who are conducting regulated  
9 activities, or for those Federal agency activities that we  
10 review. We simply updated and rearranged the document.

11 As an example of some of the kinds of changes we  
12 have made, again, we have updated agency names. Not only  
13 has our agency changed names, DEQ, the offices that serve  
14 as the Coastal Program agencies, those office names have  
15 changed, and some Federal agencies have changed.

16 We have also reflected legislative changes,  
17 definitions of what is a regulated activity, definitions  
18 of marinas. Things like that have been updated, and we  
19 have updated those in our document.

20 We have also clarified some of the Commission's  
21 decisions that we feel you make all the time and it is  
22 something that you stand by on every decision.

23 For example, when we are talking about piers and  
24 boathouses, we have put in that they must remain ten feet  
25 off the adjacent property line, unless the adjacent

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1 property owner gives authorization. That is something  
2 that the Commission has stood by and not given a waiver  
3 to. We also included that no creosote, or asphalt,  
4 material can be used.

5 We tried to increase the accessibility, by  
6 cleaning up some of the language. We want this to be  
7 something that the public and those applying for new  
8 permits can pick up, read through, and understand exactly  
9 what is required for regulated activities, what is  
10 required for Federal consistency review, and understand it  
11 easily.

12 We removed some contradictions. The biggest one  
13 of those was one of our review time lines allowed for a  
14 thirty-day review by our Coastal Program agencies, but it  
15 also required that we make our decision on whether the  
16 activity is consistent with the Coastal Program within  
17 thirty days of receipt of the application.

18 That didn't give us any time to actually get it  
19 sent out and get the response back from the Coastal  
20 Program agencies. So we changed that to where we have to  
21 make our decision within forty-five days of receipt.

22 We streamlined a lot of sections and eliminated  
23 redundancies. For example, waterfront industries and  
24 suitable sites for waterfront industries, those were  
25 covered in several scattered locations. We pulled that

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1 all together and cut out some paragraphs that were in both  
2 places, but said the same thing.

3 We tried to alter it to reflect our agency  
4 workload better.

5 This is an outline just of the chapters. I will  
6 quickly go over this.

7 we've got the purpose, justification, authority  
8 and definitions.

9 Then, we jump into chapters four through ten  
10 which cover how we handle applications and what is  
11 required in an application.

12 Chapter eleven talks about those activities and  
13 entities that are excluded from having to get a full-blown  
14 permit and what they have to do to notify us and get  
15 approval.

16 Chapter twelve is enforcement.

17 Then, we get into the Federal consistency  
18 certification which is covered in chapters thirteen  
19 through seventeen. That's where we list those Federal  
20 activities that we can review and what regulations they  
21 have to meet.

22 Chapter eighteen covers State agency actions  
23 subject to review. Those are activities that State  
24 agencies undertake that aren't directly regulated  
25 activities, but we think we need to review because they

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1 could have an impact on our Coastal resources, or uses.

2 Chapter nineteen tells us how we go about doing  
3 those consistency certifications and resolve any conflicts  
4 that come up.

5 Chapter twenty delineates exactly what those  
6 Coastal Program agencies are supposed to do, once they get  
7 an application to review.

8 Chapter twenty-one talks about how to establish  
9 special management area plans. We have one of those  
10 established in the Pass over at Bayou Casotte, but it has  
11 since expired.

12 Chapter twenty-two covers how we make  
13 adjustments and amendments to the program which is what we  
14 are here to do today.

15 I just wanted to go through and give you a few  
16 example changes.

17 In chapter one, you've got Mississippi Code 57-  
18 15-6(1). That's one of the two statutes that tells the  
19 Commission to come up with a written program of rules,  
20 regulations, guidelines and procedures.

21 That is basically all the statute says, and we  
22 paired down that to exactly what the statute says, rather  
23 than all of this extraneous language.

24 we also removed approximately two pages that  
25 described the organization of wildlife, Fisheries and

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1 Parks and the Bureau of Marine Resources. We felt that  
2 was extraneous information. The department has been  
3 around long enough now that we don't really feel like we  
4 have to explain how we work and what our organization is.

5 Chapter two is our justification authority. We  
6 removed 49-4-9(b), the reference to that, because that  
7 code is specifically in reference to wildlife, Fisheries  
8 and Parks. It no longer applies to us.

9 We expanded the justification to reflect all the  
10 goals that are in 57-15-6. Right now, it only talks about  
11 uses for suitable sites for water-dependent industry, and  
12 there are actually six goals. We expanded that to include  
13 all of those goals for management.

14 We added references to specific authorities of  
15 the Commission because the current Coastal Program does  
16 not cover what those specific authorities are.

17 For example, this is just one. The Commission  
18 is authorized to grant, issue, reissue, modify, deny,  
19 suspend, or revoke permits, and to limit our condition-  
20 issued permits in keeping with considering with public  
21 policy.

22 In chapter three, our definitions, we have added  
23 quite a few. Most of these reflect things that we use in  
24 a specific way that is different from a dictionary  
25 definition. For example, failed and failing, and

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1 maintenance.

2 It also incorporates public marinas, yacht club  
3 marinas, and private single-family, or multi-family, pier.  
4 That's a new statute within the last ten years that  
5 defines those things, and we wanted to reflect that  
6 accurately.

7 We changed marina to reflect that statute, and  
8 most of the rest of these changed either to reflect a  
9 change in statute, or to reflect a name change.

10 We removed major coastal areas and streams.  
11 There is no long any reference to that in the document.  
12 The Coastal Program Advisory Committee no longer exists.  
13 We took those out.

14 In the application procedures, we had to change  
15 this because the Mississippi Code 49-27-11 which covers  
16 what is required in an application has changed. We  
17 updated it to match that current statute, and we added  
18 information. We've got different categories of  
19 activities, and we told what those are and how we decide  
20 which category it goes into because each one of those has  
21 different rules about how we handle the application, once  
22 we get it.

23 Chapters five and six, we didn't really update  
24 all that much. We did match 49-27-15. That had to be  
25 updated. We updated all the references and rearranged the

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1 sections, especially in the application evaluation, to  
2 match the workflow and the steps that we have to go  
3 through in evaluating those applications, but we did not  
4 change any of that procedure.

5 The information on the Coastal Wetlands Use  
6 Plan, there were descriptions of it in one place. There  
7 was information on how to request and justify a variance  
8 in another place. We took all that information and put it  
9 together in one chapter.

10 We added dockside gaming as an allowed use, in  
11 the Commercial Use District. When this was first written  
12 and revised, dockside gaming wasn't authorized in the  
13 state and it wasn't included. We felt that we needed to  
14 figure out which use district it fit in.

15 We also specified the uses that are allowed in  
16 restoration enhancement areas which wasn't done, when the  
17 program was originally written.

18 You are probably used to hearing us say  
19 guidelines for regulated activities. We changed that in  
20 this to "requirements" because we had guidelines for  
21 conducting regulated activities and guidelines for the  
22 consideration of natural scenic qualities.

23 The regulated activities' guidelines are  
24 required to be followed. The natural scenic quality  
25 guidelines are suggestions that aren't required. We felt

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1 like that was a confusion to people to use the same  
2 terminology for those.

3 We changed this one to "requirements" to show  
4 that it is required. Again, we combined all the  
5 information about it into one chapter.

6 We changed the dredged material disposal section  
7 to incorporate Mississippi Code 49-27-61 which is the  
8 Beneficial Use statute.

9 A lot of these listed several sensitive habitats  
10 that had to be avoided. We wanted to streamline that and  
11 we came up with the term "sensitive coastal wetlands" and  
12 everywhere that those were to be avoided, we used that  
13 terminology so there is no confusion.

14 We have added three sections; dockside casinos,  
15 intake and discharge structures, and dredging and  
16 excavation. Those aren't things that we did not regulate  
17 before. They have always been regulated. We have set  
18 guidelines for those things. They have just never been  
19 included in the Coastal Program. We took those and added  
20 some guidelines for those, things that we write into every  
21 permit we issue that covers those.

22 Again, we quantified some things and we updated  
23 our references.

24 Chapters nine, ten, and eleven, basically all we  
25 did in those is match our updated statutes, updated our

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1 references and consolidated information that was scattered  
2 in the document into one place.

3 This is the section that covers consistency  
4 certification. Chapters thirteen through seventeen are  
5 the Federal activities that we review for consistency.  
6 Those chapters list what those activities are and how we  
7 decide if they are consistent with the Coastal Program.

8 Chapter eighteen is the state agency actions  
9 subject to review that aren't directly regulated, but we  
10 feel could have an impact.

11 Chapter nineteen tells us how we certify those  
12 and how we resolve any conflicts that might come up.

13 Again, on those, all we really did was match  
14 statutes and updated references, the biggest one being in  
15 chapter sixteen, the Bureau of Land Management has split  
16 into the Bureau of Ocean Energy Management and the Bureau  
17 of Safety and Environmental Enforcement. We had to change  
18 some of those references just because they have different  
19 responsibilities, now.

20 In chapter twenty, the Coastal Program agency  
21 responsibilities, we really tried to simplify this. That  
22 section was very confusing to our Coastal Program  
23 agencies. They really didn't know what they were supposed  
24 to do with an application, once they get it, and what type  
25 of comments they are supposed to give.

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1 We tried to simplify that into, do they object  
 2 to the issuance of the permit, or do they not object to  
 3 the issuance of the permit, and we list very specific  
 4 information that they have to give us, if they object to  
 5 the issuance of that permit. It has to be based on a law,  
 6 or a regulation. It can't just be because they don't like  
 7 it. It also tells what other information they have to  
 8 give us, if they object.

9 Chapters twenty-one and twenty-two, Special  
 10 Management Area Plans and how to make revisions to the  
 11 program, all we really did with those is update our  
 12 references.

13 Then, we tagged chapter twenty-three on that is  
 14 tagged onto everything which basically says if part of it  
 15 is held invalid, or unconstitutional, the balance of the  
 16 part remains in full force and effect.

17 At this point, what is required is a motion to  
 18 proceed with the Notice of Intent to adopt Title 22 Part  
 19 23.

20 We want this to be a State regulation, just  
 21 because it will be in with all of our other regulations in  
 22 the same place. You can go to our regulations on our  
 23 website to find it, or you can go to our Coastal Program  
 24 which is the program that NOAA expects us to publish.

25 It will be in two places, but we really feel

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1 this will bring it together and make it more  
 2 understandable for people.

3 If you have any questions, I will be happy to  
 4 answer anything about any specifics. I know I covered  
 5 that really fast.

6 I do have a bit of work to do on this, before it  
 7 is ready to send it to NOAA which needs to happen at the  
 8 same time that we go out on the public notice, the Notice  
 9 of Intent. That will run three weeks, and we have to have  
 10 a public hearing at some point within thirty days of  
 11 taking action on this.

12 This is not finished. It is not a final  
 13 document. We are happy to take any of your comments, or  
 14 questions. We can still make alterations.

15 We don't have to have the motion to take it out  
 16 on Notice of Intent today, but we did want to start early  
 17 in the process and let you, at least, see the document.  
 18 If you need more time to review it, that's fine.

19 If you have any questions, I will be happy to  
 20 answer them.

21 COMMISSIONER BOSARGE: I noticed, when you gave  
 22 it to us in disk form, it was a lot of information. Going  
 23 down through it, I was glad you highlighted the changes  
 24 because that is a lot of information.

25 WILLA BRANTLEY: It is a lot of information. We

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1 have been working on this since 2009. It is a long  
 2 process.

3 COMMISSIONER BOSARGE: It looks like most of it  
 4 is an update and a cleanup.

5 WILLA BRANTLEY: Yes. That was the intent. We  
 6 don't intend to add any new regulations. We don't intend  
 7 to add any activities that aren't regulated now that will  
 8 be regulated, no new responsibilities the applicants will  
 9 have to do. We want it to be all the same.

10 NOAA has actually reviewed our draft and said  
 11 that they don't see any substantive changes to it.

12 If they see substantive changes where we are  
 13 adding new regulations and new things that people have to  
 14 do, then, it has to go through a much more lengthy and  
 15 complicated process.

16 NOAA has said we have looked at it, we don't see  
 17 any major changes, and we can go through the short  
 18 approval process.

19 COMMISSIONER BOSARGE: Just out of curiosity,  
 20 the bordering states, are their programs comparable?

21 WILLA BRANTLEY: They are similar. I believe  
 22 the biggest difference is their Coastal Zone. Our Coastal  
 23 Zone is defined as the entirety of the three coastal  
 24 counties. I believe Louisiana goes by a contour line and  
 25 Alabama goes by the interstate. It could be vice versa.

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1 I could have those mixed up, but they are very similar.  
 2 Especially Louisiana is very similar in how they manage  
 3 and what their regulations are.

4 COMMISSIONER GOLLOTT: willa, the Commission has  
 5 a lot of confidence in you, and I would like to make a  
 6 motion to proceed with Notice of Intent.

7 COMMISSIONER BOSARGE: To adopt Title 22?

8 COMMISSIONER GOLLOTT: Yes.

9 COMMISSIONER BOSARGE: I will second that.

10 COMMISSIONER GOLLOTT: We have a motion and a  
 11 second.

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

14 COMMISSIONER GOLLOTT: Opposed?  
 15 (None opposed.)

16 COMMISSIONER GOLLOTT: Motion carries.  
 17 Thank you, willa.

18 WILLA BRANTLEY: Thank you very much, and,  
 19 again, if you have any comments, or questions, just submit  
 20 those to me, or Jan, and we will answer those and take  
 21 care of them.

22 COMMISSIONER GOLLOTT: George.

23 GEORGE RAMSEUR: Good afternoon almost.

24 A quick update on the NFWF project near Round  
 25 Island. This is being conducted under an MOU between DEQ,

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Commission on Marine Resources

1 DMR, the Corps of Engineers and the Port of Pascagoula.  
 2 That is a picture from several months ago  
 3 looking south over the project, and you see the original  
 4 Round Island in the distance.  
 5 This is April 5<sup>th</sup>, four days after the start of  
 6 construction of the new berm, and you can see where that  
 7 is going on just to the upper right.  
 8 The objective of that is to construct  
 9 essentially a berm in this shape which covers about two  
 10 hundred acres, and that's the northwest end on the left  
 11 side and the south end on the right side.  
 12 They are moving about ten thousand cubic yards  
 13 of sand a day. The goal is to complete this by mid  
 14 August, at which time work on the Pascagoula Channel would  
 15 start and they would begin pumping material to the  
 16 interior.  
 17 Overall this should be about two hundred acres  
 18 of new island and marsh habitat complete by the end of the  
 19 year.  
 20 The other item I have is the State of the Coast  
 21 Conference. I mentioned it last month. We are up to over  
 22 two hundred registrations for this year. We had, I think,  
 23 a hundred and something registrations last year, and wound  
 24 up with three hundred and fifty at the conference. I  
 25 don't know what that means for our ultimate count this

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1 year, but we are expecting as many as four hundred and  
 2 fifty.  
 3 The agenda has been posted on line.  
 4 Registration is on line. If you register, you get an  
 5 invitation to the reception which is at the Biloxi  
 6 Visitors Center on May 11<sup>th</sup>, the night before.  
 7 Any questions on any of this?  
 8 COMMISSIONER GOLLOTT: Thank you, George.  
 9 GEORGE RAMSEUR: Thank you.  
 10 COMMISSIONER GOLLOTT: Next is Kacey Williams.  
 11 KACEY WILLIAMS: Good morning Commissioners,  
 12 Director Miller and Ms. Chestnut.  
 13 These are the financial results as of March 31<sup>st</sup>,  
 14 2016.  
 15 We have a State revenue of six point one million  
 16 dollars.  
 17 Our Agency revenue is twenty-two point five  
 18 million.  
 19 Our State net income is negative one million.  
 20 Our Agency net income is one point nine million.  
 21 After nine months of fiscal year 16, our  
 22 Operating funds budget is sixty-one point eight percent  
 23 remaining, and Tidelands has forty-five percent remaining.  
 24 Any questions on this?  
 25 (No response.)

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1 KACEY WILLIAMS: I will now briefly summarize  
 2 the results of our FY15 independent third-party audit  
 3 conducted by BKD, LLP, certified public accountants. They  
 4 are out of Jackson Mississippi. A copy of the full audit  
 5 was sent out with your packets.  
 6 BKD feels that our financial statements present  
 7 fairly, in all material respects, the respective financial  
 8 position of the Treasury funds of the MDMR, as of June  
 9 30<sup>th</sup>, 2015, and are in conformity with the generally  
 10 accepted accounting principles.  
 11 The auditors did find that the MDMR needs to  
 12 establish procedures allowing better insight into the  
 13 progress of our subgrant projects to ensure all  
 14 significant liabilities related to outside grant  
 15 reimbursement requests be estimated and accrued into the  
 16 financial statements during the period in which they were  
 17 incurred, meaning goods and services that were rendered  
 18 and not yet invoiced be accrued into the year that they  
 19 were incurred.  
 20 MDMR does have internal control procedures in  
 21 place to identify and record these liabilities for the  
 22 grant reimbursement requests, and we have been improving  
 23 our policies and procedures over the past two years to  
 24 ensure we have more up-to-date progress for subgrants that  
 25 do not provide timely information.

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1 We also have been working to procure a grants  
 2 management system for about a year and a half. Prior to  
 3 the audit being conducted, we are currently in the Q for  
 4 the information technology division up in Jackson, and  
 5 this system would facilitate the recommendations from BKD.  
 6 The audit firm did compliment the MDMR staff on  
 7 professionalism and the hard work that we have been  
 8 conducting here. They were very happy with the progress  
 9 we have made as an agency.  
 10 Any questions?  
 11 COMMISSIONER GOLLOTT: Thank you, ma'am.  
 12 KACEY WILLIAMS: Thank you.  
 13 COMMISSIONER GOLLOTT: Melissa.  
 14 MELISSA SCALLAN: Good morning Commissioners,  
 15 Director Miller, Ms. Chestnut.  
 16 The Mississippi Department of Marine Resources  
 17 was mentioned thirty-seven times in state, local and  
 18 national media since the last Commission meeting.  
 19 The items of particular interest included the  
 20 oyster season and the recently completed crab trap  
 21 program.  
 22 I will bring your attention to the fact that Dr.  
 23 Paul Mickle was featured on the Outdoors page of the Sun  
 24 Herald and a video of him showing how to filet a founder.  
 25 He did a great job with that.

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Commission on Marine Resources

1 This year we had our Celebrate the Gulf Marine  
2 Education Festival on April the 2<sup>nd</sup> in Pass Christian. We  
3 had a record of thirty-five exhibitors, and quite a few  
4 people from the agency participated. Jennifer Buchanan  
5 and Jessica Rankin did a great job organizing that. We  
6 estimate that over the weekend there were about ten  
7 thousand people that attended.

8 Marine Patrol held one boat and water safety  
9 class in March and certified six students. So far in  
10 fiscal year 2016, there have been twelve classes with two  
11 hundred and nine students. They also participated in  
12 several other community outreach events in March.

13 The last item I have is the Mississippi Seafood  
14 Cookoff will be held on Thursday, May the 26<sup>th</sup> at Café  
15 Climb in Gulfport. This year's cookoff will feature  
16 twelve chefs from around the state, and the winner will  
17 represent the state not only at the Great American Seafood  
18 Cookoff in August in New Orleans, but also at the world  
19 Food Championship in Orange Beach in November.

20 COMMISSIONER GOLLOTT: Where is the Mississippi  
21 Seafood Cookoff?

22 MELISSA SCALLAN: At Café Climb in Gulfport.

23 COMMISSIONER GOLLOTT: Where is that located?

24 MELISSA SCALLAN: It's on 30<sup>th</sup> Street near  
25 downtown Gulfport.

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1 COMMISSIONER GOLLOTT: Shelby was telling me  
2 what to ask you.

3 Thank you, Melissa.

4 MELISSA SCALLAN: Thank you.

5 COMMISSIONER GOLLOTT: Do we have any other  
6 business to come before the Commission?

7 (No response.)

8 COMMISSIONER GOLLOTT: If not, we will go to  
9 public comments.

10 We are going to keep these at three minutes,  
11 please, and the first one is Mark Stewart.

12 MARK STEWART: Mark Stewart, commercial  
13 fisherman all my life, the third generation.

14 I appreciate everything we are doing here. A  
15 lot of stuff sounds good.

16 One thing I wanted to say was I was kind of  
17 disappointed that the shrimpers weren't included in the  
18 crab trap cleanup being that we clean up most of the  
19 derelict crab traps in the water and it costs us a lot of  
20 money, and we weren't included in the process. That's a  
21 done deal for this time. We were included before, but we  
22 weren't this time for some reason.

23 Another thing I want to speak about is the  
24 upcoming oyster season that is going to be opened in  
25 Jackson County to tongers only.

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1 I would like to know how many Mississippi  
2 tongers that we actually have. I don't think it's very  
3 many, and I think we are going to be invaded by a fleet of  
4 Alabama tongers in Jackson County which is going to  
5 relieve the tonging in Pass Christian, but it is going to  
6 put all the dredging pressure in Pass Christian.

7 We have unlimited resources of oysters all  
8 across the state, and I have been trying to get oysters  
9 open across the state for a long time which is needed.

10 The waters in Jackson County and all of the  
11 eastern part of the state are shallow waters which would  
12 be mostly small boats, and we would be willing to go to  
13 smaller dredges, lighter dredge weights that would not  
14 tear up the oyster reefs. Seventy-five pound dredges, we  
15 are fine with that. Big boats can't even get in there.  
16 They are not even going to worry about it.

17 COMMISSIONER GOLLOTT: Mark, where did you hear  
18 that we were going to open the season and it was just for  
19 tonging?

20 That is something the Commission has to decide.

21 MARK STEWART: Mr. Gollott, it's a known fact.  
22 I know.

23 COMMISSIONER GOLLOTT: Really?

24 MARK STEWART: Yes, sir.

25 COMMISSIONER GOLLOTT: The Commission hasn't

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1 made a decision.

2 MARK STEWART: Well, y'all have already given  
3 people licenses and stuff to unload the oysters.

4 I understand that you have interest in it  
5 yourself.

6 COMMISSIONER GOLLOTT: Really?

7 MARK STEWART: Yes, sir.

8 Anyway, when and if it does open -- I have been  
9 told that it is already set in stone. I know people that  
10 already have the license to unload the oysters in Biloxi  
11 Bay.

12 COMMISSIONER GOLLOTT: Well, I promise you I'm  
13 not one of them.

14 MARK STEWART: Well, not yet, but there are some  
15 that have already been qualified and have already gotten  
16 their license for it. It is going to happen, and I just  
17 want to request that some of the smaller dredge boats are  
18 allowed to come in there and dredge where a lot of days,  
19 half the days, most of the days in Pass Christian it is  
20 too rough for the small boats to go work.

21 Like I said, the smaller boats, all smaller  
22 boats would be in there because it's shallow water. Then,  
23 we will be perfectly willing to go to smaller lighter  
24 dredges.

25 COMMISSIONER BOSARGE: I'm glad to hear it

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Commission on Marine Resources

1 personally that you are willing to change your equipment  
2 some, if that's what needs to be.

3 MARK STEWART: Most small dredge boats don't  
4 pull big dredges anyway. We pull smaller dredges and  
5 definitely would have less impact on the oyster reefs,  
6 and, when you limit it to tonging only, you are going to  
7 have very few tongers from Mississippi, and very few  
8 people from Mississippi are going to be going to work.

9 All of the Alabama tongers that are going to  
10 come over are going to tote most of these oysters back to  
11 Alabama where they get more money for them.

12 I ain't got nothing against the Alabama tongers,  
13 or any other fishermen, or anything like that, but I'm  
14 looking at myself and other fishermen around here who have  
15 to drive over an hour to Pass Christian to go oystering,  
16 where we could dredge right here where we live.

17 I think it is needed to put more Mississippi  
18 people to work and to bring more oysters into Mississippi.

19 COMMISSIONER BOSARGE: I would hope that there  
20 would possibly be more tongers simply because we are  
21 getting more on the eastern end of the state where there  
22 are more tongers because that's what most of the guys do,  
23 instead of dredging.

24 I would hope that when and if we do ever get  
25 some areas open on the eastern end of the state, we could

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1 bring more of the folks in that are tongers that are not  
2 tonging, now, because it's so far to have to go.

3 MARK STEWART: A lot of people that are  
4 oystermen nowadays that are tongers are getting older and  
5 they are not tonging, and the younger generation aren't  
6 tonging. We have very few Mississippi tongers, very few.

7 COMMISSIONER GOLLOTT: Thank you, Mark. I gave  
8 you some extra time.

9 MARK STEWART: I appreciate it. y'all have a  
10 good day.

11 COMMISSIONER GOLLOTT: Gilbert Ramsey.

12 GILBERT RAMSEY: Good morning. My name is  
13 Gilbert Ramsey.

14 We wish to improve the mobility function of  
15 people, mobility impaired, through advanced engineering  
16 clinical research, medical rehabilitation to create a  
17 world leisure, with all people impaired having comparable  
18 mobility functions so they can participate in and  
19 contribute to society to become more productive citizens.

20 What I've done is this. I have retrofitted  
21 vessels to accommodate the disabled community. There is a  
22 park being developed in D'Iberville accessible to the Bay  
23 with Tideland funds. They have associated me with this  
24 opportunity to make sure it is implemented appropriately  
25 for the disabled community, concerned citizens and

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1 veterans.

2 I have an outreach program I am initiating with  
3 the University of Southern Mississippi, including multiple  
4 organizations on the Mississippi Gulf Coast, NOAA  
5 included.

6 I have looked at NOAA's Alabama and Mississippi  
7 sea grant applications and what it addresses is economic  
8 sectors, and economic sectors identifies resilient  
9 communities and economies and charter boats and saltwater  
10 recreational fishing and wildlife watching and coastal  
11 restoration and research, education outreach.

12 what it identifies is not capabilities of these  
13 people to accommodate them appropriately for this  
14 opportunity, meaning that we have recognized the World  
15 Health Organization. The World Health Organization has  
16 implemented an organization with Pittsburgh University.  
17 Pittsburgh University has initiated an adaptive sports  
18 program with the veterans association.

19 what I have done is retrofitted a vessel to  
20 accommodate the disabled community to accommodate them  
21 with their caretakers and loved ones, associated with the  
22 education outreach programs, marine technology, cluster  
23 meetings. Cluster meeting is identified as an outreach  
24 organization associated with marine technology.

25 I was supposed to be in Washington, D.C., today,

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1 but I decided to come here to initiate this program within  
2 the state. It is called Individualized Educational  
3 Program. Individualized Educational Program is a Federal  
4 law associated appropriately with this application.

5 Please help me identify this appropriately with  
6 your grant associates, and I do have grants associated  
7 with me, associated appropriately with this program.

8 It is something that I am very confident that  
9 y'all will direct appropriately because I recognize this  
10 is in the discretion of everyone's best interest.

11 I'm not here to mislead anybody. I have been  
12 before y'all before, and I'm bringing Robin Roberts aboard  
13 to do a movie with us. I'm doing a paraplegic fishing  
14 rodeo at Hiller Park with Fishing Has No Boundaries out of  
15 Wisconsin. I'm bringing on a chapter at the VA Hospital  
16 within the Bay.

17 D'Iberville is building up the river an inlet  
18 waterway for activity on Lamey Bridge. They are building  
19 me a park on Lamey Bridge and they are building me access  
20 on the Bay.

21 We are looking at this for habitat, economic  
22 development, and, as far as the fishing industry, I can't  
23 remember what else they were saying to me, but I want to  
24 make sure it is handled appropriately for everyone's best  
25 interest.

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L3C corporation is where you can merge a nonprofit with a profit, and I'm not sure if the legislative session recognizes that, but we will be going before the Attorney General to implement this with this pilot location.

COMMISSIONER GOLLOTT: Thank you, sir. Your time is up.

GILBERT RAMSEY: Thank you very much for your time and consideration.

COMMISSIONER GOLLOTT: Mr. Danny Ross.

DANNY ROSS: Good morning. The last time I had anything to do with this Commission I had my son with me, and I figure maybe that might have had a little to do with my introduction today, when I walked in the building, but I was asked to step outside and see if I had any weapons.

I don't know what went on today, but it was a nice officer. I don't know how many other people, but y'all are well protected today.

That might have had something to do with it, maybe not.

I have concerns about these turtle strandings, three or four more today. Forty-something in one month a while back, and I don't see where there is any deviation off the thought that we are not responsible for these turtle strandings.

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No fishermen are working, right now. It seems to be an ongoing process. Every year about this time, we have these turtle deaths, and they just proved that the dolphins are BP related.

I don't know what their criteria is, but someone said that when turtles fill up with fish, it has to do because they are jammed in a turtle's head, or a net, and they are gasping for air and they are sucking up fish that we catch in our net.

Well, I'm not sure, but I think the longliners use a hook that is protected from turtles hooking themselves because they will eat fish. I have heard they eat jellyfish and all kinds of stuff.

Listening today, and seeing the enhance and protect and serve, y'all's emblem, and what you've got going on here and what you portray to the people, Mayor Broomfield charging you with the decisions to be made in the future for us and what y'all's responsibilities are as this Commission, I think we need to address this.

You talk about working with the community with the working people. I think we have to address why these turtles are dying and why do we keep getting to be the escape goat.

We are not fishing. There is hardly no fishing going on this time of year every year.

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If there is any point in y'all doing anything on this issue, please just keep in mind that you might want to look at the fact that there might be another issue.

I know Federal implementation is a big part of what you do. You do not want to make the Feds angry. I get that, but two wrongs don't make a right.

What was that article, 51-15?

COMMISSIONER GOLLOTT: 49-15.

DANNY ROSS: It says there has to be absolute data. I want to find out what is killing them turtles.

COMMISSIONER BOSARGE: Danny, that has been an ongoing issue for quite some time and I think, for the most part, we've got NOAA convinced that it's not us and it's not any Federal fishery.

I keep putting forth the suggestion that it is a natural phenomena. If you notice, when this happens, it is this time of year.

DANNY ROSS: Correct.

COMMISSIONER BOSARGE: What has the weather been like the last three, or four, months?

DANNY ROSS: It's terrible.

COMMISSIONER BOSARGE: Twenty-five knots southeast. Turtle is an air breathing mammal. Especially a lot of young turtles, when they come up to take a breath of air and they get rolled about fifteen times, they

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finally just give us. In other words, they drown.

I keep trying to tell them this is not a bad thing in that it just goes to show you how many turtles there are out there.

DANNY ROSS: Before BP, didn't they have an influx of turtles and they were willing to start taking the stringent rules off of us?

They had so many turtles they were talking about it, and, then, BP happened and all of a sudden nine hundred turtle deaths and all that.

It has just been ongoing every year, and I'm not blaming them, but just the get the eye off the -- you know, they are taking the eye off the ball.

Go look in the Bays. You've got boats yourself. You know what kind of impacts are going on out there.

That's all I wanted to say. I hope y'all can do something for us.

COMMISSIONER GOLLOTT: Thank you, Danny. You're right. You are a hundred percent right on turtles.

I think Mark said he wanted to say one more thing.

JAMIE MILLER: Come up to the microphone, Mark, if you want to present something.

MARK STEWART: I won't be but a second.

JAMIE MILLER: Thank you.

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Commission on Marine Resources

1 MARK STEWART: I have a southeastern fishery  
 2 bulletin right here. At this time, NOAA is accusing the  
 3 fishermen of killing these turtles, right now.  
 4 I would like to present that to y'all to look at  
 5 (indicating document).  
 6 COMMISSIONER GOLLOTT: Bring it up.  
 7 (Document handed to Commissioner Gollott by Mark  
 8 Stewart.)  
 9 COMMISSIONER GOLLOTT: If we have no further  
 10 business, do I have a motion to adjourn?  
 11 COMMISSIONER DRUMMOND: I make a motion we  
 12 adjourn.  
 13 COMMISSIONER GOLLOTT: We have a motion.  
 14 Do we have a second?  
 15 COMMISSIONER BOSARGE: I so second it.  
 16 COMMISSIONER GOLLOTT: We have a motion and a  
 17 second.  
 18 All those in favor say aye.  
 19 (All in favor.)  
 20 COMMISSIONER GOLLOTT: Adjourned.  
 21 (Whereupon, at 12:15 o'clock, p.m., the April  
 22 19, 2016, meeting of the Commission on Marine Resources  
 23 was concluded.)  
 24  
 25

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1 C E R T I F I C A T E  
 2  
 3 I, Lucille Morgan, Certified Shorthand Reporter, do  
 4 hereby certify that the above and foregoing is a true and  
 5 correct transcript of the April 19, 2016, meeting of the  
 6 Commission on Marine Resources, as taken by me at the time  
 7 and place heretofore stated in the aforementioned matter  
 8 in shorthand, with electronic verification, and later  
 9 reduced to typewritten form to the best of my skill and  
 10 ability; and, further, that I am not a relative, employee,  
 11 or agent, of any of the parties thereto, nor financially  
 12 interested in the cause.  
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