

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, September 17, 2019  
9:00 a.m.  
Bolton Building Auditorium  
1141 Bayview Avenue  
Biloxi, Mississippi 39530

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Commission Members:

Mark Havard, Chairman

Ronald Daniels, Vice Chairman

Steve Bosarge

Richard Gollott

Natalie Guess

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chesnut, Esq., Assistant Attorney General

1 COMMISSIONER HAVARD: Good morning everyone.

2 I would like to welcome everybody to the  
3 September meeting of the Commission on Marine Resources.

4 I would like to start off by asking Commissioner  
5 Gollott to lead us in the Pledge of Allegiance.

6 (Pledge of Allegiance recited.)

7 COMMISSIONER HAVARD: Thank you, Commissioner.

8 At this time I think we want to take a moment of  
9 silence to recollect on all that is going on in this  
10 world.

11 (Moment of silence observed.)

12 COMMISSIONER HAVARD: Let's move on to Item B,  
13 Approval of the Minutes.

14 Can I get approval of the minutes for August  
15 20<sup>th</sup>, 2019?

16 COMMISSIONER GUESS: I'll make a motion to  
17 approve the minutes.

18 COMMISSIONER HAVARD: I have a motion.

19 Do I have a second?

20 COMMISSIONER GOLLOTT: I'll second that, Mr.  
21 Chairman.

22 COMMISSIONER HAVARD: I've got a motion and a  
23 second.

24 All those in favor say aye.

25 (All in favor.)

1 COMMISSIONER HAVARD: All those opposed say nay.  
2 (None opposed.)

3 COMMISSIONER HAVARD: Motion so moved.

4 Now, let's move on to Item C, Approval of the  
5 Agenda for September's meeting.

6 COMMISSIONER DANIELS: I will make a motion to  
7 approve that.

8 COMMISSIONER HAVARD: Do I have a second?

9 COMMISSIONER GOLLOTT: I will second it, Mr.  
10 Chairman.

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

13 (All in favor.)

14 COMMISSIONER HAVARD: Opposed say nay.

15 (None opposed.)

16 COMMISSIONER HAVARD: Motion moved.

17 Then, that brings us to the Executive Director's  
18 Report. He's got several items under there he is going to  
19 talk about. We will begin with Employment, Contracts and  
20 Procurement Updates.

21 JOE SPRAGGINS: Yes, sir. Thank you, Mr.  
22 Chairman.

23 We have some new employees. Basically, if you  
24 look at these, the three that we have here, they started  
25 out and they were working as interns with us over the

1 summer and they turned out to wind up being full-time, or  
2 part-time, employees with us, and what we did is make them  
3 contractors and they are working as a contract with us and  
4 doing a great job. Each one of those has been added.

5 We have some new Marine Patrol officers. They  
6 are basically for the Port Security. Chief had hired four  
7 new Marine Patrol officers for Port Security that we got  
8 the grant for, and, then, one additional one.

9 Any questions on that?

10 (No response.)

11 JOE SPRAGGINS: Our procurements, you will see  
12 with IHL we have a thirty-two thousand dollars. It is a  
13 monitoring and it is a hundred percent paid by NOAA.

14 We have another one for twelve thousand five  
15 hundred and it is a hundred percent Tidelands. It is a  
16 flounder project where we are doing a stock assessment  
17 which we had issues with. We are looking at the flounder  
18 and see where we are.

19 The other one is one hundred sixty-eight  
20 thousand one hundred and sixty-five dollars and it is  
21 Tidelands. It is Shellfish Sanitation that they do every  
22 year for us.

23 If you look, one thing we are doing is a reverse  
24 auction we did with J and W Marine Enterprises, and that  
25 is to furnish ??? approved cultch material. That was five

1 hundred thousand dollars and that is paid for out of the  
2 GOMESA projects.

3 Any questions?

4 (No response.)

5 JOE SPRAGGINS: Just a couple of quick things  
6 real quick. We do have a new website. If you get a  
7 chance to look at it, go online and look at our new  
8 website. I think you will be impressed with what is going  
9 on. A lot of work went into it. You can now go to  
10 anywhere on the website and basically find the person to  
11 contact by their phone, their email, or whatever, to be  
12 able to get in touch with them.

13 Most anything you want to do, you can look at it  
14 and be able to go to the website to find it, and I think  
15 it is very informational about a lot of things.

16 If you see something that we are not putting on  
17 it, please let us know. We would love to update it. We  
18 continue to do that as we need to.

19 I appreciate the work of the team for doing  
20 that.

21 Also, I am leaving next week to go to  
22 Washington, D.C. I have been asked by Senator Wicker's  
23 office to come and testify to the Senate Commerce  
24 Committee, the full committee, on basically the effects of  
25 the Bonnet Carre Spillway.

1           Scott Levanway and his group have done an  
2 outstanding job putting together a report for us as to  
3 where we are at forty-five days into it, or basically we  
4 are three months into it, where we are with the economic  
5 impact. It is a pretty substantial economic impact, what  
6 we are seeing, and that is basically talking about the  
7 vendors, the shrimp processors, the charter boat  
8 fishermen, everything all the way across the line, and we  
9 have looked at it.

10           we are going to talk to them about how can we  
11 and what can we do to be able to help mitigate some of  
12 this loss.

13           One of our biggest concerns is the loss of  
14 fishermen. If we don't help them somehow someway, we are  
15 going to lose them because they just can't continue  
16 working. We are also going to talk to them about it.

17           we will be talking about our loss as far as the  
18 Bonnet Carre, and one of the other issues we are trying to  
19 do is find a way to help them get the information they  
20 need as quick as possible so they can expedite this and  
21 not take three, or four, years for us to be able to get  
22 money to be able to do things because if we have to wait  
23 that long to pay the fishermen, we are going to lose them.  
24 we need to help them as much as possible.

25           A lot of things are down. The hotels were down

1 a lot over the months of August and July. Even the  
2 restaurants were down.

3 If you look at our poor vendors out on the  
4 beach, they are ninety-five percent gone. As far as any  
5 work, they have lost about ninety-five percent of what was  
6 happening over the summer.

7 If you go across the line, it is everybody you  
8 think about.

9 when you look at our shrimp processors, they are  
10 about twenty percent, eighteen to twenty percent.

11 when you look at our seafood markets, they are  
12 down tremendously.

13 It goes across the board, everything that we are  
14 looking at.

15 I got hit yesterday. A gentleman told me, he  
16 said, you know, we work on all these boats and do other  
17 stuff, and we are down tremendous because they are not  
18 needing the work.

19 we are looking at everything we can, but we will  
20 give you that information.

21 As soon as I get back, I will get a report out  
22 to y'all on what happened in Washington, D.C.

23 Next up we've got Commercial Tarpon Regulations  
24 with Sandy.

25 SANDY CHESNUT: Before I get started on that, I

1 would like to state a correction for the record.

2 Last month we were talking about Larry Ryan's  
3 Administrative Penalty, and it was incorrectly stated that  
4 his unreported total was thirty thousand. His actual  
5 unreported total that he was charged with was twelve  
6 thousand seven hundred and fifty-two. The potential fine  
7 was thirty-one thousand eight hundred and eighty. That  
8 was a mistake. I just wanted to clear the record up on  
9 that.

10 Moving on into commercial tarpon, even though I  
11 am doing the presentation, Matt Hill gets the credit. He  
12 did all of the research and he devised the proposal.

13 At the April 2019 Commission meeting, you passed  
14 a regulation establishing the limits for recreational  
15 Atlantic Tarpon fishing.

16 This presentation provides a potential  
17 regulation for commercial Atlantic Tarpon.

18 This is what was passed in regards to the  
19 recreational. There is no need to read that into the  
20 record (indicating slide).

21 This is the proposal for commercial. It is  
22 different from the recreational. what we are proposing  
23 is:

24 "It shall be unlawful for any commercial  
25 fisherman to harvest, or possess, an



1 Atlantic Tarpon within Mississippi  
2 waters.”

3 what we would need is a motion to proceed with  
4 the Notice of Intent for regulatory changes to Title 22,  
5 Part 7, Chapter 9, to add paragraph 114 prohibiting the  
6 harvest, or possession, of an Atlantic Tarpon for  
7 commercial purposes.

8 COMMISSIONER BOSARGE: Sandy, I've got a few  
9 questions, if we could, before we talk about making a  
10 motion.

11 This item, I am trying to figure out where this  
12 is coming from because there is no commercial fishery for  
13 Tarpon.

14 I made the comment that in all my years of being  
15 on the water I have never laid eyes on one, except for in  
16 the State of Florida, and I have done a lot of different  
17 commercial fishing, including gill net.

18 Need and purpose for a regulation for commercial  
19 fishing for Tarpon.

20 Just a matter -- for transparency sake because I  
21 am a little confused.

22 I see a Fisheries item under Executive  
23 Director's Report. That was my first confusion on why you  
24 are presenting this and not the Fishery. I am confused  
25 all the way around.

1           Can you give us some clarity?

2           How did this get on the agenda and who was the  
3 one that brought this forth to be put on the agenda, just  
4 for transparency sake?

5           COMMISSIONER HAVARD: Commissioner, I am the one  
6 that brought it forward to be put on today's agenda. We  
7 passed to protect Tarpon from a recreational standpoint,  
8 and the intentions were to protect the fish from start to  
9 finish.

10          COMMISSIONER BOSARGE: Yes, sir.

11          COMMISSIONER HAVARD: With calling out just  
12 recreational folks, that leaves a large chance that these  
13 fish could get taken out of the water and killed for no  
14 good reason in the commercial world as well.

15          COMMISSIONER BOSARGE: So you have some science  
16 that says that the commercial guys are catching Tarpon?

17          COMMISSIONER HAVARD: I don't know what kind of  
18 science I can provide to say that commercial guys are  
19 catching Tarpon, but there have been some pictures  
20 floating around where different Tarpon are caught in the  
21 nets and laying up on the deck.

22          COMMISSIONER BOSARGE: Can you provide us with  
23 some of that?

24           I mean, I'm sorry. I can't even fathom why we  
25 would even need to go down this path, unless there is some

1 alterative motive I don't understand.

2 Tarpon in the commercial fishery, this is  
3 something that just doesn't happen, unless you can show me  
4 different.

5 COMMISSIONER HAVARD: We are just trying to  
6 protect the fish.

7 COMMISSIONER BOSARGE: I agree with you.

8 COMMISSIONER HAVARD: It doesn't matter whether  
9 it is commercial, or recreational. It doesn't matter.

10 COMMISSIONER BOSARGE: I agree, and so I sat  
11 back and I am trying to be as open-minded as I can, and I  
12 look at the regulations that we put in place for the  
13 recreational fishery and it says, one fish per person per  
14 day.

15 If you look at that, I know it will never  
16 happen, but you could get out of that that we could catch  
17 eighty thousand Tarpon in one day.

18 COMMISSIONER HAVARD: I'm not talking about what  
19 could never happen. We could talk about if, and for a  
20 long time, but you just said it is never going to happen.

21 COMMISSIONER BOSARGE: I said it is never going  
22 to happen, but I'm not saying you couldn't kill a bunch of  
23 Tarpon in one day.

24 Then, I guess the other thing that kind of  
25 really floored me was at the very next meeting we have a

1 Tarpon that we put up for a new State record, amazing  
2 fish, seventy-eight inches.

3 I guess you see what my point is. I don't  
4 understand why we are even going anywhere with it,  
5 especially a no take for commercial when we could catch  
6 possibly eighty-two thousand a day for recreational  
7 fishermen. I don't understand this.

8 COMMISSIONER HAVARD: Eighty-two thousand a day?

9 COMMISSIONER BOSARGE: There are eighty-two  
10 thousand recreational fishing licenses. If everybody went  
11 out and targeted Tarpon and they all caught the bag limit,  
12 we could do eighty-two thousand.

13 COMMISSIONER HAVARD: You are exactly right.

14 COMMISSIONER BOSARGE: I mean, it is  
15 statistically possible.

16 Do you see my point?

17 COMMISSIONER HAVARD: No.

18 COMMISSIONER BOSARGE: In other words, my point  
19 is if we are even going to consider putting regulations on  
20 the commercial fishery, they should be no more restrictive  
21 than what the recreational is.

22 A no take for commercial fishermen?

23 COMMISSIONER HAVARD: There are zero reasons why  
24 the Tarpon fish should be kept commercially.

25 COMMISSIONER BOSARGE: I agree with you, and --

1           COMMISSIONER HAVARD: (Interposing) The only  
2 reason, this is a trophy fish and having a trophy fishery  
3 brings all kinds of economic benefit to the Coast. That  
4 is what we are after, the opportunity to --

5           COMMISSIONER BOSARGE: (Interposing) We are  
6 supposed to be protecting this resource and not going out  
7 to target it for trophies.

8           We are tasked with making decisions on the best  
9 science available. I'm sorry, but until you can give me  
10 some science that says we need -- now, we had a forty-five  
11 minute presentation by Dr. Franks that told us all about  
12 recreational fishing and what recreational fishermen do  
13 and all that, and we made some regulations based on  
14 everything we learned, even though we did not get the  
15 presentation ahead of time, but, now, we are going to do  
16 regulations on commercial fishery without anything,  
17 nothing. It is your word that you say that we need to do  
18 this.

19           I'm sorry. I'm sorry. I'm open-minded. I  
20 believe in doing what is right, if it needs to be done. I  
21 don't think we need to put a burdensome regulation on  
22 commercial fishermen that they can't even take one, if it  
23 was an accident.

24           SANDY CHESNUT: If I could add something, and,  
25 Matt, you may want to correct me if I'm wrong about this.

1           In our discussions, we looked at doing the same  
2 thing for the commercial industry as we did for the  
3 recreational, but we felt like that would be more  
4 burdensome on the commercial industry because, if they  
5 actually took the fish out of the water and it was below  
6 the limit, they could be actually charged.

7           Like, if they caught a Tarpon in a bycatch  
8 situation and they threw the Tarpon back, then, they would  
9 not be harvesting, or possessing, the Tarpon. So it would  
10 be less restrictive on the commercial industry than it was  
11 on the recreational.

12           COMMISSIONER BOSARGE: If they took it out of  
13 the water, that is the law that you are wanting to pass,  
14 no take, cannot be removed from the water.

15           Is that correct?

16           SANDY CHESNUT: If they throw it back, they are  
17 not harvesting it and they are not possessing it.

18           COMMISSIONER BOSARGE: You have to take it out  
19 of the water to throw it back.

20           SANDY CHESNUT: That is why we stayed away from  
21 the same language as the recreational. That is my  
22 understanding.

23           Matt, you --

24           COMMISSIONER BOSARGE: (Interposing) Sandy, I'm  
25 sorry. I would much rather be talking to Mr. Joe Jewell

1 about this because he is in Fisheries.

2 SANDY CHESNUT: Well, Matt is here, now.

3 COMMISSIONER HAVARD: Matt, do you have anything  
4 you would like to add?

5 MATT HILL: Commissioner Bosarge, what we did --  
6 we were tasked with reviewing what was passed for the  
7 recreational fishery and our staff's opinion and the  
8 Fishery staff's opinion, that would not work for the  
9 commercial fishery because the fish would not be able to  
10 be removed from the water under a certain length.

11 what we did here -- and there is no commercial  
12 fishery. It is not a commercially viable species. We did  
13 the research on that.

14 However, in the language that we are proposing,  
15 they would be able to remove the fish from the water.  
16 They would just not be able to harvest the fish, land the  
17 fish, or possess the fish.

18 As long as they remove it from the water and  
19 place it back into the water --

20 COMMISSIONER BOSARGE: (Interposing) Matt,  
21 there is no commercial fishery. There is no market for  
22 Tarpon.

23 MATT HILL: No.

24 COMMISSIONER BOSARGE: Why would commercial  
25 fishermen want to keep a Tarpon?

1 MATT HILL: They would not want to keep a  
2 Tarpon.

3 If you have this language, they would still be  
4 able to remove them from the water. If they were  
5 incidentally caught, they would be able to remove them out  
6 of the water and replace them back in the water.

7 COMMISSIONER BOSARGE: They are going to do that  
8 anyway, if that should happen.

9 MATT HILL: That is correct.

10 COMMISSIONER BOSARGE: That is where I'm going  
11 with this. I just don't understand the need and the  
12 purpose.

13 COMMISSIONER HAVARD: Matt, you can carry on.  
14 Let's let him get through with the process.  
15 When he gets through telling us, then, we can ask  
16 questions.

17 MATT HILL: We were not asked to do the  
18 presentation. We were asked to provide some data and we  
19 did show that we pulled the language from NOAA. There is  
20 no commercial harvest. We could not find any commercial  
21 harvest. Dr. Franks clearly stated it is not a  
22 commercially viable species.

23 We were asked to review the recreational  
24 regulations and propose something that would work for the  
25 commercial industry and, even though it is not a



1 commercially viable species, we decided to eliminate all  
2 of the size limits and being able to remove it out of the  
3 water if it was over forty inches. We decided to remove  
4 all of that.

5 If they catch a twenty-eight inch Tarpon, they  
6 would be allowed to remove it from the water and release  
7 back into the water dead, or alive.

8 Just because a fish is dead does not mean it is  
9 harvested. It is not harvested until it reaches the  
10 dock.

11 This is what we were tasked to do and even  
12 though, Commissioner Bosarge, I do agree there is no  
13 commercial fishery, it is not a commercially viable  
14 species, we were tasked with looking at all of the options  
15 and coming up with a commercial regulation that would work  
16 for the industry at the time, if one was incidentally  
17 harvested, or caught.

18 COMMISSIONER BOSARGE: So can you give me a  
19 purpose and a need?

20 COMMISSIONER GUESS: Can I jump in real quick?

21 MATT HILL: Yes.

22 COMMISSIONER GUESS: I think the purpose and  
23 need is that we would hope that people are a hundred  
24 percent honest, but they are not.

25 If someone tries to harvest, or possess, one of

1 these fish -- we are saying that there is no commercial  
2 need. It could happen. So here is a regulation that if  
3 they come back to the dock with one of these fish, there  
4 is a regulation in place so we can go back to them.

5 COMMISSIONER BOSARGE: So do we have a history  
6 of somebody doing this?

7 Has there ever been anybody cited?

8 COMMISSIONER GUESS: No, but do we need to wait  
9 for somebody to do something wrong to have a regulation?

10 COMMISSIONER BOSARGE: Usually you want to know  
11 that there are laws being broken, before you put a  
12 regulation in place.

13 I mean, give me something, Matt.

14 MATT HILL: I won't speak for law enforcement,  
15 but, in my time here, I have never known there to be a  
16 Tarpon brought back to the dock, or commercially  
17 harvested, or possessed, for any purposes.

18 COMMISSIONER BOSARGE: That is my point exactly,  
19 but yet we are here to put another regulation on  
20 commercial fishermen.

21 COMMISSIONER GUESS: If they don't do it  
22 already, what is the harm in having it in place?

23 I mean, what is the harm besides commercial  
24 fishermen taking it personal?

25 If they don't already do it, then, what does it

1 matter to just have a regulation in place just in case to  
2 protect the fish?

3 COMMISSIONER BOSARGE: It is just another tool  
4 in the toolbox.

5 COMMISSIONER DANIELS: Steve, would you prefer  
6 if we just mirrored what we have for recreational and we  
7 could do that for commercial as well?

8 would that be better?

9 COMMISSIONER BOSARGE: I think it would be much  
10 better.

11 COMMISSIONER DANIELS: So you would like to have  
12 the same regulations on commercial as we have on  
13 recreational?

14 COMMISSIONER HAVARD: Steve, that might be kind  
15 of difficult for you guys to keep, the commercial world to  
16 keep those fish that are under forty inches in the water,  
17 if we move forward with something along those lines that  
18 mirror recreational. I don't think that is even possible.

19 MATT HILL: I would not suggest that. With the  
20 removal from the water below forty inches, I do think that  
21 would be very difficult.

22 If you would want to allow the harvest, or  
23 possession, of a fish over seventy-five inches, that is  
24 the Commission's decision.

25 However, in the industry and some of the

1 industry members that we have spoken to, removing these  
2 fish under forty inches would be very difficult and, if it  
3 did have happen, it would become a ticketable offense.

4 COMMISSIONER BOSARGE: Matt, I don't know where  
5 to go with this, other than I just can't fathom where we  
6 are and why were are where we are and why it's not you  
7 presenting this to me.

8 MATT HILL: In all fairness for the fisheries  
9 staff, Dr. Franks did come in, some of my staff did come  
10 up here and we did present that there is no commercial  
11 fishery. It is not a viable commercial species.

12 However, we did review some other states such as  
13 Florida. It is also not a commercially viable species  
14 over there. They do have a commercial regulation very  
15 similar to what we are proposing. I believe it was  
16 somewhat in fairness, or somewhat if you are going to have  
17 it on us have it on them.

18 when I look at it, I do not agree that for the  
19 commercial fishery they are going to remove some of these  
20 animals under forty inches incidentally out of the water  
21 and when that happens, it does become a ticketable  
22 offense.

23 Now, if we would like to allow them to keep an  
24 animal over seventy-five inches, that is the Commission's  
25 prerogative. That is their decision, but, as for the

1 other part, I think that would be extremely difficult on  
2 the industry to follow.

3 COMMISSIONER BOSARGE: I mean, at the very  
4 least, at the very least, we should at least be allowed  
5 one fish per day.

6 A no take?

7 If we are going to do that, then, let's back up  
8 and go back to the recreational fishery and do the same  
9 thing, no take.

10 We are going to protect them, no take -- we are  
11 all concerned about them -- instead of the possibility of  
12 catching eighty thousand in one day.

13 COMMISSIONER HAVARD: We could possibly go  
14 revisit the recreational world and implement a no take, if  
15 that is what you would choose and we can do it across the  
16 board if --

17 COMMISSIONER BOSARGE: (Interposing) If we are  
18 going to be fair and equitable.

19 MATT HILL: I believe the argument when we put  
20 the seventy-five inches in, that was the current record at  
21 the time. That fish was seventy-five inches.

22 It is not necessarily a given that an animal  
23 over seventy-five inches will break the State record, but  
24 that was a starting point and that is where that came  
25 from.

1           It seems to me like you now have two options,  
2 and that is to have a no take across the board for the  
3 commercial and recreational fishery, or to allow the  
4 commercial and recreational fishery to harvest one of  
5 these animals over seventy-five inches.

6           I do not and I will strongly suggest I do not  
7 believe that section 105 will work for the commercial  
8 industry.

9           COMMISSIONER BOSARGE: No. I don't think it  
10 will either, but I have to be clear as to what you said.

11          SANDY CHESNUT: I have a question.

12          If you are going to allow one per day for  
13 commercial, but there is no commercial fishery, what are  
14 they going to do with that one?

15          COMMISSIONER DANIELS: That is my question as  
16 well. There is no benefit for taking --

17          SANDY CHESNUT: (Interposing) A recreational  
18 fish taken by a commercial fisherman.

19          Right?

20          COMMISSIONER GOLLOTT: Mr. Chairman.

21          COMMISSIONER HAVARD: Yes, sir.

22          COMMISSIONER GOLLOTT: I think we are getting  
23 into the weeds here. I don't think we really need to  
24 worry about what they are going to do with that fish.  
25 They either have a right to the fish and do what they want

1 to with it, or they don't.

2 Being fair, I think recreational and commercial  
3 should be the same, whatever we do.

4 COMMISSIONER BOSARGE: If you want to put  
5 regulations on commercial fishermen, then, at the very  
6 least, allow them one fish per day. What they do with it,  
7 would be their business, as Commissioner Gollott said, the  
8 same way what the recreational fisherman would do with it  
9 would be his business.

10 COMMISSIONER HAVARD: At this time, guys, I  
11 would like to make a motion to proceed with a Notice of  
12 Intent for regulatory changes to Title 22, Part 7, Chapter  
13 9, to add paragraph 114 prohibiting the harvest, or  
14 possession, of the Atlantic Tarpon for commercial  
15 purposes.

16 Do I have a second for the motion?

17 COMMISSIONER DANIELS: I'll second that motion.

18 COMMISSIONER HAVARD: All those in favor say  
19 aye.

20 (Commissioner Daniels, Commissioner Havard in  
21 favor.)

22 COMMISSIONER HAVARD: All those opposed say nay.  
23 (Commissioner Bosarge opposed.)

24 COMMISSIONER GOLLOTT: I would like to abstain.

25 COMMISSIONER BOSARGE: Can we get a roll call on

1 that?

2 COMMISSIONER GUESS: Abstained.

3 COMMISSIONER HAVARD: Two yea and one nay.

4 Is that what I heard?

5 COURT REPORTER: Yes.

6 COMMISSIONER HAVARD: Motion so moved.

7 COMMISSIONER BOSARGE: This is a prime example  
8 of where we are in this world.

9 COMMISSIONER HAVARD: I think that brings us  
10 Item Number 3 still under Executive Director's Report,  
11 Administrative Penalties Proposed Penalty Matrix.

12 JOE SPRAGGINS: Sandy, do you have that to bring  
13 us back up to date on it?

14 SANDY CHESNUT: Yes.

15 Title 22, Part 20, Administrative Penalty  
16 Procedures, Chapter 21, paragraphs 104 and 105.

17 First I want to point out the statutory  
18 provisions for licenses, the penalty matrix under statute  
19 and for the suspension and revocation of licenses.

20 49-15-63 deals with criminal penalties and this  
21 is the penalty matrix for fines. First offense not less  
22 than a hundred and more than five hundred and it goes on.

23 Subsection B deals with the revocation of  
24 licenses for criminal convictions. Upon conviction of the  
25 third, or subsequent offense, the Court must revoke the



1 license of the convicted party and no further license  
2 shall be issued to that party to engage in catching of  
3 seafood for one year following conviction. This  
4 subsection also allows for the forfeiture of equipment and  
5 nets.

6 subsection C provides that any person convicted  
7 and sentenced for a second, or subsequence, offense shall  
8 not be considered for a reduction in sentence.

9 subsection E provides that the Commission may,  
10 in addition to other penalties, suspend the license of any  
11 person convicted of a violation of this chapter. For  
12 first offense, suspension of five days. Second offense,  
13 suspension not to exceed thirty days.

14 subsection F provides that the Commission may  
15 revoke the license and may prohibit indefinitely the  
16 issuance of a license for a person that engaged in any  
17 catching, or taking, of seafood from the waters of the  
18 State of Mississippi, if they commit five seafood  
19 violations within a five-year period.

20 There is also a statute concerning suspension,  
21 or revocation, of licenses for non-compliance with a  
22 summons, or a citation, or for non-payment of fines.

23 subsection 2 provides that the Court through the  
24 clerk will notify the person by mail. If they don't  
25 comply within ten days, then, the Court will notify the

1 Commission and the Commission will revoke the license of  
2 that person.

3 After receiving notice from the Court, the  
4 Commission shall revoke the applicable license of that  
5 person.

6 subsection 3 provides that the license shall  
7 remain revoked until the person can show proof of all  
8 obligations of the Court.

9 Kim and I think it's Faye have been working with  
10 the Courts to get this process ironed out. So we may be  
11 seeing some of these non-payment issues coming before the  
12 Commission soon.

13 Title 22, Part 20, Administrative Procedures,  
14 this is the regulation that was established under the  
15 authorities granted by 49-15-401 through 49-15-401(7).

16 49-15-409 grants the Commission jurisdiction  
17 over all persons and property necessary to administer and  
18 enforce provisions of this article and the Commission's  
19 regulations.

20 By statute, the fines under the Administrative  
21 Penalties is up to ten thousand dollars per violation.

22 If a violation is brought before the Commission  
23 for Administrative Civil penalty, that same violation may  
24 not be brought before the Court for criminal penalties.

25 I wanted to make it real clear that there is a

1 distinction between the statutory criminal provisions and  
2 the Administrative Civil penalties.

3 what we are doing under the Administrative  
4 Penalties, what I have been asked to propose is a penalty  
5 matrix for the civil penalties.

6 The current language is:

7 "Suspension, or revocation, of licenses,  
8 or permits, may be commenced in addition  
9 to seeking administrative penalties."

10 This is the proposed language. I think I  
11 brought this back several months ago. What we would do is  
12 change 104, Suspension, or Revocation, and we would take  
13 out licenses because that is covered under statute, and we  
14 would add "Regulatory program requirements that the  
15 Commission issues", like, endorsements, tags, permits, or  
16 things like that, that they may come up with in the  
17 future.

18 The proposed penalty matrix is:

19 "The Commission may suspend, or revoke,  
20 regulatory program requirements  
21 established by the Commission such as,  
22 but not limited to endorsements, tags,  
23 permits, or similar provisions, for  
24 violations related to that particular  
25 program in accordance with the

1 following schedule:  
2 "First offense, suspension of up to  
3 three months.  
4 "Second offense, suspension of up to  
5 six months.  
6 "Third offense, suspension of up to  
7 a year.  
8 "For forth and subsequent offenses,  
9 a suspension for up to two years,  
10 or revocation.  
11 "Suspension shall be scheduled for  
12 a time period coinciding with the  
13 particular fishing season in which  
14 the offense is related.  
15 "If the violation is deemed to be so  
16 egregious as to warrant a suspension  
17 outside of the penalty matrix, the  
18 Commission by a unanimous vote may  
19 impose a suspension outside of the  
20 above matrix by skipping to the next  
21 level.  
22 "For example, if it is a first offense  
23 that is deemed to be so egregious as to  
24 warrant a suspension outside of the  
25 penalty matrix stated above, the

1 Commission by unanimous vote may  
2 impose a suspension for up to six  
3 months as allowed under the second  
4 offense tier.”

5 The other proposed language is:

6 “In the event that a violator does not  
7 pay the administrative penalty assessed  
8 by the Commission in full within twenty-  
9 four months, the Commission may by a  
10 majority vote indefinitely suspend the  
11 endorsement, tag, permit, or similar  
12 regulatory program requirement related  
13 to the violation until such time as the  
14 penalty is paid in full.”

15 If this is something that the Commission desires  
16 to take forward, we would need a motion to take the  
17 proposed language establishing the penalty matrix for  
18 administrative actions out on Notice of Intent.

19 COMMISSIONER BOSARGE: Sandy.

20 SANDY CHESNUT: Yes.

21 COMMISSIONER BOSARGE: I talked to Mr. Joe this  
22 morning, and I know in the handbook it says we are  
23 supposed to get our materials ten days in advance.

24 we didn't receive them in our ten days, but he  
25 said he will correct that. So I have a little time to try

1 to do a little more work on this administrative penalties.

2 I did go back and I did do a little research and  
3 I did see where there was an opinion from the Attorney  
4 General's office that asked about this because when it was  
5 first put in place, there were a couple of questions that  
6 were asked of the Attorney General and he answered them,  
7 and, then, the legislature made the changes to allow us to  
8 do what we are doing now.

9 In my research in trying to look at a penalty  
10 matrix, I came across -- which I'm sure you should be very  
11 aware of -- the penalty matrix that we have for Coastal  
12 Ecology.

13 Are you familiar with that penalty matrix?

14 SANDY CHESNUT: Yes.

15 COMMISSIONER BOSARGE: I have some copies. I am  
16 going to pass them out to the rest of the Commissioners.

17 That particular penalty matrix does get us  
18 closer to what we need to have, in that not only does it  
19 spell out -- and I'm sure Mr. Jan Boyd is aware of it, but  
20 not only does it spell out what the fines will be, but it  
21 talks about unintentional, or no prior knowledge;  
22 intentional, or prior knowledge; intentional and prior  
23 knowledge previous violations, and, then, whether it is  
24 residential, or commercial.

25 In other words, it is a real penalty matrix. I

1 got that and I said, you know, that is much closer to what  
2 we need because, like I have stated before, other than you  
3 guys, none of us are attorneys yet we are dealing with  
4 those type issues and making decisions that affect  
5 people's lives.

6 So I looked at -- I said, well, let me see who  
7 else does administrative penalty and where else they are  
8 done.

9 I go back to another penalty. I find another  
10 penalty matrix which I'm sure you are very familiar with  
11 that deals with administrative penalty which would be the  
12 NOAA Office of General Counsel Enforcement Section, Policy  
13 for the Assessment of Civil Administrative Penalties and  
14 Permit Sanctions.

15 I know you are bound to be familiar with that  
16 because even when we arrested the live bait dealer for  
17 transporting live bait across the state line and charged  
18 him with the LACY Act, this is where you would have had to  
19 go to figure out what his penalty may be.

20 So are you familiar with that penalty matrix?

21 SANDY CHESNUT: Those charges are brought by  
22 NOAA and their attorneys deal with those.

23 COMMISSIONER BOSARGE: Yes, ma'am.

24 Are you familiar with that penalty matrix?

25 SANDY CHESNUT: I probably have read it. I

1 don't have it in front of me.

2 COMMISSIONER BOSARGE: Well, this penalty matrix  
3 that we have spells out very little. It gives us very  
4 little guidance.

5 I feel like we could probably take this NOAA  
6 Office of General Counsel -- they go into actually looking  
7 at the offense, figuring what class that offense is, and,  
8 then, looking at a penalty matrix. They go all the way  
9 into as far as looking at the ability of the charged  
10 person to be able to pay the fine.

11 Now, we may not need to go that far, but this  
12 would be what I would consider a penalty matrix.

13 SANDY CHESNUT: The Commission is free to do  
14 whatever they want. We have been talking about this  
15 penalty matrix for several months, and I actually gave you  
16 guys copies of what I had put together last month, and I  
17 received no feedback from anybody.

18 You guys can discuss it. You can change it  
19 however you want.

20 COMMISSIONER BOSARGE: Well, that's where I'm  
21 going with this, in other words, in an effort to be fair  
22 to everybody, you know, when we do these civil penalties.

23 Once you go looking and you go learning and go  
24 seeing, I didn't have time to actually research all the  
25 states, but I know in the State of Louisiana, they don't



1 do civil penalties. Every violation they have goes before  
2 the criminal side of the court and however it works out,  
3 it works out.

4 I did have a couple of questions. This might  
5 not be the place to ask them, but, whenever we bring a  
6 person up for administrative penalty, does that individual  
7 have any choice in whether he is brought up for civil  
8 penalty, or whether he goes through the criminal system?

9 SANDY CHESNUT: No. The Commission votes on  
10 which actions are brought before them for administrative  
11 penalties. The violator does not get to choose which  
12 court he goes to, or which civil action he goes to.

13 COMMISSIONER BOSARGE: So somebody that -- in  
14 other words, I can see there are two paths here. I would  
15 have thought that the person being charged would have had  
16 some say-so in how his case is handled; whether it be  
17 through the criminal system, or whether it be through the  
18 civil system. I felt like that would probably be  
19 something that he would have a little bit of decision  
20 making in.

21 I would like to make a motion that we table this  
22 until such time as you and I can go through this penalty  
23 matrix and try to come up with a much better system that  
24 takes the burden off of the Commissioners as to making  
25 decisions on how these things are settled.

1           COMMISSIONER GUESS: It seems like we have the  
2 matrix in paragraph form for the most part.

3           I know you guys can't see this, but what  
4 Commissioner Bosarge gave us was a matrix chart which kind  
5 of shows the flow of how the penalties work. Maybe  
6 something like that a little more visual might help. I'm  
7 okay with tabling it to get something visual like this in  
8 place where we have fines and terms.

9           COMMISSIONER DANIELS: We have gotten a lot  
10 closer with this than from where we started. I would also  
11 be in agreement in tabling it. I would like to see us get  
12 this thing right, before we pass it. If that takes  
13 another month, or two, to work on it, then, I'm in  
14 agreement with that a hundred percent.

15           COMMISSIONER GUESS: Can I just ask -- I mean,  
16 will we go into Executive Session to kind of lay out these  
17 fines and terms, or do we want somebody to take a stab at  
18 it and throw it back out there for us to review?

19           COMMISSIONER BOSARGE: Or we put together a  
20 workshop like we have done before.

21           COMMISSIONER GUESS: I mean, develop our fines,  
22 say, up to ten thousand dollars, but we could really kind  
23 of hone in on some particular fines.

24           COMMISSIONER DANIELS: That sounds like a great  
25 idea.

1           COMMISSIONER GUESS: Then, it is no question.  
2 When somebody does something wrong, this is what we set in  
3 place.

4           COMMISSIONER HAVARD: I think we can do all of  
5 the above, but I think the first step is to make a motion  
6 to table.

7           COMMISSIONER BOSARGE: I made that motion.

8           COMMISSIONER DANIELS: I will second his motion.

9           COMMISSIONER HAVARD: We've got a motion and a  
10 second.

11           All those in favor say aye.

12           (All in favor.)

13           COMMISSIONER HAVARD: Opposed nay.

14           (None opposed.)

15           COMMISSIONER HAVARD: Motion moved.

16           SANDY CHESNUT: If I could just get some  
17 clarification.

18           Are we going to put together a workshop to go  
19 over this before the next Commission meeting, or what is  
20 the plan for moving ahead?

21           COMMISSIONER GUESS: I think that is what we  
22 should do is put together a workshop and have a discussion  
23 on how we want to lay out a matrix. That way it doesn't  
24 fall on you specifically, Sandy.

25           COMMISSIONER BOSARGE: And possibly present

1 these two documents to the rest of the Commissioners to  
2 look over to where when we do get in the meeting, we will  
3 have an idea what it is we need to do.

4 COMMISSIONER HAVARD: I think that is a great  
5 idea. We will fine tune it as the week goes on and it  
6 might be thirty days, or sixty days, before we see it on  
7 the agenda again. We will put together a meeting time and  
8 place over the next week.

9 SANDY CHESNUT: Thank you.

10 COMMISSIONER GUESS: Thank you.

11 JOE SPRAGGINS: Next up is Shrimp Processing in  
12 Gulf States by Sandy, also.

13 COMMISSIONER GOLLOTT: Sandy, did they vote on  
14 tabling it?

15 SANDY CHESNUT: Was there a vote on the tabling  
16 motion?

17 COURT REPORTER: Yes.

18 SANDY CHESNUT: Unanimous. Thank you.

19 The next presentation is Shrimp Processing in  
20 the Gulf States.

21 I had a twenty-five page presentation prepared  
22 and Director told me I had to cut that down. So I  
23 accepted the challenge, and I cut it down to one page.

24 COMMISSIONER HAVARD: Very Good.

25 JOE SPRAGGINS: Let the record show that each

1 one of the Commissioners were sent the twenty-five pages.

2 SANDY CHESNUT: Yes. Each of you guys did  
3 receive the twenty-five page presentation, though, as  
4 background information and other supporting documents.

5 That other presentation shows who we talked to  
6 in each state to get this information, the research that  
7 was done to support the information, but this is pretty  
8 much the bottom line.

9 In all of the states, HACCP and sanitation is  
10 done either by the health department, or agriculture.

11 In Florida and Alabama, they have specific  
12 authority, statutory authority for law enforcement to go  
13 in and check licenses, receipts, invoices and things for  
14 illegal products.

15 In Louisiana, Texas and Mississippi, the law  
16 enforcement authority is inherent based upon licensing and  
17 in Mississippi we also have an acquiescence statute that  
18 says if you get a license you are acquiescing to the law  
19 enforcement checks.

20 In Louisiana and Texas, all of the industries  
21 are acquiesced and are covered under this inherent law  
22 enforcement authority.

23 In Mississippi, this authority has been  
24 exercised in all industries, except for the shrimp  
25 industry.

1           That is the presentation.

2           COMMISSIONER HAVARD: Sandy, did you find  
3 anywhere where there is a reason that the shrimp industry  
4 was excluded from this?

5           SANDY CHESNUT: No, sir.

6           COMMISSIONER HAVARD: Thank you.

7           COMMISSIONER BOSARGE: I had just one question.  
8           Once again, I'm not an attorney, but I learn  
9 pretty quick.

10           Inherent. When you say inherent law, in other  
11 words, if I understand the meaning of that correctly, that  
12 is procedures that have been done in the past that are not  
13 in statute, but are accepted as the law.

14           Am I interpreting that correctly?

15           SANDY CHESNUT: No. It's not just accepted  
16 practices. It is the fact that these businesses are  
17 licensed by the department. Then, that gives our law  
18 enforcement the authority to go in and check those  
19 businesses for illegal activities.

20           COMMISSIONER BOSARGE: So it is a law from  
21 another law, but it is not in statute.

22           Anyhow, it gets a little confusing.

23           SANDY CHESNUT: We actually have the  
24 acquiescence law in Mississippi that specifically states  
25 that by virtue of getting a license from the department,

1 the license holder is acquiescing to law enforcement  
2 checks.

3 Our statutes go one step further than Texas and  
4 Louisiana, but it doesn't go quite as far as Florida and  
5 Alabama.

6 COMMISSIONER BOSARGE: And I saw in Texas where  
7 the law you quote which is that 47.037, it would have been  
8 what I would consider inherent law until the point where  
9 it was challenged, and, then, it was ruled  
10 unconstitutional, and, then, they went back and amended  
11 the law, if I remember correct.

12 SANDY CHESNUT: Correct.

13 COMMISSIONER BOSARGE: I guess, when I see  
14 inherent law, that tells me that basically they are laws,  
15 but they are not statutory laws and they are laws that  
16 have never been challenged, I guess.

17 Correct?

18 SANDY CHESNUT: The law that you are speaking of  
19 in Texas, that was challenged because it was so broad it  
20 allowed law enforcement to go into a personal residence,  
21 and that is what the Court overturned. They said it could  
22 not be that broad because it had to still pertain to a  
23 business entity, and that is what they did when they  
24 revised the statute. They made it so that it would not  
25 include a personal residence.

1           COMMISSIONER BOSARGE: And that's what I saw  
2 and, in most of these cases where they have the authority  
3 to go in, they either have to have probable cause, or --  
4 all right. I made notes -- have reason and believe the  
5 law is being broken.

6           Is that correct?

7           SANDY CHESNUT: No, sir. The acquiescence law  
8 does not require probable cause.

9           COMMISSIONER BOSARGE: That's all I have, Sandy.

10          COMMISSIONER GOLLOTT: Let me say something, Mr.  
11 Chairman.

12           I really don't know why this has come up. The  
13 shrimp industry has been operating -- I don't know --  
14 maybe a hundred years in Mississippi and we have never had  
15 any serious problem in the shrimp industry, and I don't  
16 know what has changed now.

17           If we do have -- if we come up with a reason to  
18 come up with more regulations where the shrimp industry is  
19 breaking the law, or something, maybe we could look at,  
20 but I wish the Commissioners would just let the industry  
21 alone. It is under a lot of heavy competition these days.

22           Florida really doesn't process a lot of shrimp.  
23 They produce a lot of breaded shrimp, but they don't  
24 produce the kind of raw shrimp that Mississippi does.

25           Louisiana is probably a state that produces more



1 shrimp than Mississippi.

2 Texas really doesn't. They produce a lot of  
3 headless stuff, but they don't do a lot of peeling.

4 Like I say, I don't know why we want to change  
5 anything. I wish the Commission would just let it alone  
6 until something does happen.

7 COMMISSIONER BOSARGE: Commissioner Gollott, I  
8 don't have a problem with enforcement doing their job, if  
9 they have probable cause. In other words, if they see  
10 something that they don't like that they think is going  
11 on, I don't have a problem with them going in and doing  
12 what they need to do, and I think most anybody would  
13 probably have that opinion, as far as I see it.

14 COMMISSIONER DANIELS: Is there a possibility  
15 here, Sandy, for you and the staff, including enforcement  
16 and including Commissioner Gollott, to come together and  
17 find some type of median here that everybody can work off  
18 of and clarify this for us?

19 COMMISSIONER GUESS: Can I just say one thing  
20 real quick?

21 From what I am reading, it sounds like law  
22 enforcement has every right to go in there, if they so  
23 choose. They just haven't actively done so.

24 Is that right?

25 So what would we have to talk about?

1           COMMISSIONER DANIELS: Chief, would you like to  
2 comment?

3           KEITH DAVIS: No, sir. I wouldn't like to  
4 comment.

5           COMMISSIONER GUESS: I mean, as this states,  
6 they are able to go in there, if they so choose. They  
7 just actively haven't done it in the past. So I don't  
8 know what we have to discuss about it really.

9           JOE SPRAGGINS: Just talking about what you are  
10 saying, Ronnie, we did have a meeting and it was set up  
11 with all the shrimp processors who would like to come.  
12 Commissioner Gollott helped set that up, as a matter of  
13 fact, and we did have a meeting to sit down and talk about  
14 this and talk about how things were operating and the way  
15 that they were going.

16           In general, I think that most of the shrimp  
17 processors do not have an issue with anything. As long as  
18 things are done in a way that -- obviously, if there is  
19 something wrong with the shrimp processing world out  
20 there, or what is going on, it is going to be FDA, or  
21 somebody else. It is not going to probably be DMR.

22           If somebody from a Federal wanted to come in and  
23 do something, that is entirely different, but other than  
24 that, we are only talking mainly just checking to see if  
25 there is some little something wrong. If they have a fish

1 that is not supposed to be in the processor, or something  
2 like that, then, I don't think that is an issue.

3 Chief, you were in the meeting. I don't want to  
4 try to muddy water here at all. I don't want to try to do  
5 something that says that we should be looking at something  
6 we shouldn't be looking at.

7 In fact, in the past, I think we have always had  
8 the option of doing it.

9 Now, whether it was done, or not, I don't know  
10 that answer, but I have talked with quite a few of the  
11 shrimp processors and most of them feel like as long as  
12 they were done correctly.

13 when you walk in and just say, hey, we would  
14 like to look at a few things and see what is going on,  
15 most of them have no issue at all with that, as long as it  
16 was done that way.

17 Now, the Feds, they operate a little different  
18 than what we would do. I can't have any say-so with that.

19 KEITH DAVIS: Director, if you are asking me, I  
20 will be glad to tell. We have always had what Sandy has  
21 laid out, the power to go in and do inspections on these  
22 processing plants, as we do other sectors of the industry.

23 There has been some political pressure that I'm  
24 told. I was not here to witness that political pressure,  
25 but law enforcement was politically pressured not to go in

1 and do the checks, but the law has always been clear that  
2 law enforcement should be going in and doing inspections  
3 in these processing plants.

4 COMMISSIONER GOLLOTT: I don't think the  
5 industry would have a problem, if you have probable cause  
6 to go into a plant, but just to show up.

7 what about letting our man that is trained to go  
8 in these processing plants and inspect them, what about  
9 letting him have some authority, or working with the -- he  
10 would go with the enforcement, if they wanted to go look  
11 at a plant so they don't break any laws.

12 KEITH DAVIS: Commissioner Gollott, law  
13 enforcement doesn't work that. We just don't work that  
14 way.

15 If there is a problem in the processing plant,  
16 if it is a legal problem and there is a criminal violation  
17 in a processing plant, I am not going to get anybody to  
18 tell me how to do the job.

19 COMMISSIONER GOLLOTT: It clearly says that the  
20 Commission is over the enforcement and tells them what to  
21 do in the state law.

22 We create the policies and we tell you what to  
23 do, and we are coming down to the problem with this is it  
24 is enforcement, you know, it is power. Who has the power  
25 to do this and who has the power to do that, and I have

1 been in the business all my life and I don't know of any  
2 political pressure to keep anybody out of these plants,  
3 none of it, and the only people that have ever inspected  
4 out plants was Food and Drug and the Commission had set up  
5 a health department inside of our agency to go in and  
6 inspect the plants, and this guy does it two, or three,  
7 times a year.

8 what has changed?

9 why do we need enforcement breaking the doors  
10 down and holding machine guns and crap like that?

11 COMMISSIONER HAVARD: No. No. No. I don't  
12 think that is the issue at all.

13 KEITH DAVIS: And I don't think that that is  
14 fair either.

15 COMMISSIONER HAVARD: It's not.

16 COMMISSIONER GOLLOTT: What is not fair, that  
17 you showed up at the doors with guns at M and M Shrimp  
18 Company and stopped the plant from working and all kind of  
19 stuff?

20 COMMISSIONER HAVARD: Commissioner Gollott,  
21 let's ask one of the other processors -- I have seen them  
22 in the audience there -- if they would like to speak on  
23 this subject. You are welcome at this time.

24 MARK MAVAR: I'm Mark Mavar. I'm the owner of  
25 Biloxi Freezing and Processing and M and M Shrimp Company.

1           They did come to my facility one day and, when I  
2 asked them if they had a search warrant to enter my  
3 facility, they said no, that they did not, that they did  
4 not need a search warrant and, if I tried to stop them  
5 from entering my facility, they were going to arrest me  
6 and my business partner for obstruction of justice.

7           Then, they threatened to shut us down and pull  
8 my license.

9           I asked them why they wanted to enter my  
10 facility, and they told me that they had every right in  
11 the world to enter my facility.

12           Now, I know that I may not have this verbatim,  
13 the words that the officers used. I found out I was  
14 recorded, and that is fine.

15           But my facility -- and I'm nervous. I don't  
16 like speaking in public, but my facility, both of my  
17 facilities have certifications far and above what the Feds  
18 require and what the State requires.

19           I asked the officer just like we ask any  
20 plumber, any electrician. Even my father, if he wants to  
21 enter my facility, has to sign the book so we can explain  
22 to our third party auditors what that person was doing in  
23 our facility and why they were in there.

24           If Phil Dellenger comes in there to do sheet  
25 metal work, Phil Dellenger and every person that works for

1 him signs that registry.

2           When I asked the officers to sign that registry,  
3 he told me, I don't have to sign that registry because I  
4 am registered with the State.

5           The State doesn't have a damn thing to do with  
6 what I asked them to sign.

7           Now, I have an inspection coming up in November,  
8 and I have to go back and explain to my inspectors why the  
9 State refused to sign our registry book.

10           It's not a big deal, but, now, it is requiring  
11 extra work taken away from me and my business partner and  
12 our quality control people and everybody else, taking away  
13 from operating our business.

14           We are law-abiding citizens. We are not  
15 breaking any laws.

16           If we are breaking laws, bring us the damn  
17 proof, but just don't bust up into my business making me  
18 feel like a criminal, when I'm not a criminal, and making  
19 all my employees nervous as hell because the police are  
20 walking through there making the two bosses, the two  
21 owners of the company look like we are criminals.

22           If you've got some evidence, bring the damn  
23 evidence, but don't just walk into my plant when most of  
24 the officers don't know what they would be looking for.

25           Most of you, other than Mr. Gollott and Mr.

1 Bosarge, have never set foot inside of a shrimp processing  
2 plant, and I assume that is the same case with most of the  
3 officers.

4 Now, Mr. Jewell has been in our plant and  
5 several of the inspectors. Jeff Davis is his name. He  
6 comes around once a quarter and inspects us, and that is  
7 fine. I don't have a problem with that.

8 But just to come barging in saying I'm looking  
9 because I can, I have a problem with that. That's all I  
10 have to say.

11 COMMISSIONER HAVARD: I appreciate you taking  
12 the time to talk to us today.

13 COMMISSIONER GOLLOTT: Mr. Chairman, I think the  
14 objection is enforcement is bringing people, or sending  
15 people, into these processing plants that don't know what  
16 they are looking at. They don't have any idea what the  
17 processing laws are, or FDA's laws and their regulations,  
18 and it is pretty extensive to learn all this stuff.

19 we have a man that is already trained for that.  
20 I mean, if you want more enforcement, or more law, or  
21 whatever, put it on him because he knows what he is  
22 looking at. He is not going to go in and climb on top of  
23 boxes with shoes that have been on the floor and dripping  
24 dirty water in the top of the shrimp like some of the  
25 enforcement people did in my plant.



1           If we are going to do anything, I would like to  
2 set up a committee and try to work this out the way it is  
3 good for both parties.

4           The shrimp industry is a big industry in  
5 Mississippi whether your know it, or not, and we don't  
6 need to be putting any more pressure on them to put them  
7 out of business since they haven't done anything wrong, no  
8 probable cause.

9           COMMISSIONER HAVARD: I don't think that anybody  
10 is trying to put anybody out of business, or nobody is  
11 trying to bully anybody.

12           COMMISSIONER GOLLOTT: well, I don't know. They  
13 cost Mr. Mavar probably about fifty thousand dollars to go  
14 back and redo their books and get an attorney and all that  
15 kind of stuff.

16           COMMISSIONER DANIELS: I've got one question for  
17 Sandy.

18           In reading this, if we do nothing at all here  
19 today, is this saying that law enforcement has the right  
20 to go in and check, or we have to make some type of motion  
21 to allow that?

22           SANDY CHESNUT: Law enforcement has the inherent  
23 authority to go in any plant, anything that is licensed by  
24 the department. They always have had.

25           They go in, from my understanding -- law

1 enforcement can correct me if I'm wrong on this -- they  
2 have been going in crab processing plants and they have  
3 been going in oyster processing plants for years, looking  
4 at the things that are listed up here.

5 They just have not historically, from my  
6 knowledge, gone into shrimp processing plants and checked  
7 for these things.

8 It is not a sanitation inspection that they are  
9 doing. They are looking at these things that are listed  
10 on the board.

11 COMMISSIONER HAVARD: Sandy, I think that is a  
12 good conclusion there that the guys that we have going  
13 around on a regular basis are looking for sanitary  
14 violations, or potential violations.

15 I can't talk to the way that maybe enforcement  
16 did, or did not, go into these facilities in the past, but  
17 I do think that there is no reason that shrimp should be  
18 excluded from all the regulations that the other shellfish  
19 processing plants have to go through.

20 COMMISSIONER GOLLOTT: Excuse me right there,  
21 Mr. Chairman.

22 There is as much difference -- if you knew  
23 anything about the industry, there is as much difference  
24 in shrimp and crab meat and oysters as there is daylight  
25 and dark.

1           Shrimp is not considered hazardous, or people  
2 getting sick off of shrimp. There has never been a person  
3 who got sick off of shrimp.

4           If a shrimp is bad, it stinks so bad you can't  
5 stand it when you try to cook it.

6           Even the FDA will tell you shrimp is so far down  
7 on the list is the reason they give us maybe one, or two,  
8 inspections a year. They want the plants right and we  
9 want the plants right, but it is not a hazardous product.

10          It won't make people sick. People don't eat raw  
11 shrimp like they do oysters and crab meat.

12          COMMISSIONER HAVARD: I'm not for sure on that.  
13 I have heard of lots of people getting sick by eating bad  
14 shrimp, but the bottom line is our state agency, the  
15 enforcement agency, we have got to use those guys to help  
16 us get ready for the Federal guys to come in. I would  
17 much rather our State guys call out something and say,  
18 hey, guys, this isn't in line, and we get it in line, and,  
19 then, the FDA comes in and everything is okay at that  
20 point.

21          If you have nobody checking on a local level  
22 from an enforcement standpoint, then, you have no way to  
23 get things in line from a Federal standpoint.

24          COMMISSIONER GOLLOTT: Well, you have two  
25 inspectors already. You have a Federal inspector and you

1 have a State inspector. The State inspector comes around  
2 once a quarter. That's fine.

3 Your enforcement people are not looking for  
4 sanitation like Federal. They are looking for somebody  
5 cheating which, as far as I know, there is nobody cheating  
6 in the shrimp industry right now.

7 COMMISSIONER HAVARD: well, then, there should  
8 be no issue at all with them coming in and checking from a  
9 enforcement level to make sure that your competitor -- you  
10 can remain competitive with your competitors. Otherwise,  
11 you don't want them to have a leg up and you don't want to  
12 have a leg up on them.

13 I don't see any reason we can't --

14 COMMISSIONER GOLLOTT: (Interposing) well, I  
15 don't think we would have a problem if they had to run it  
16 by Director Spraggins for probable cause, but just to walk  
17 in a plant because you want to without anything going in,  
18 it costs a plant money to stop.

19 COMMISSIONER HAVARD: And I agree with that and  
20 I understand that.

21 SANDY CHESNUT: But requiring probable cause for  
22 the shrimp industry when it is not required for any other  
23 industry, you would be setting a new standard outside of  
24 statute.

25 COMMISSIONER DANIELS: That is the biggest

1 problem I have with this is that it is not across the  
2 board, or it doesn't appear to be across the board.

3 COMMISSIONER GOLLOTT: Seafood is not across the  
4 board. Shrimp and crab meat and oysters are two  
5 different, completely different foods with different  
6 hazards, or different regulations on them. Even the FDA  
7 has different regulations on those industries.

8 COMMISSIONER HAVARD: If there are no issues  
9 there, then, why don't we just get them in line with all  
10 the adjoining states and that way we are protected from a  
11 law standpoint?

12 COMMISSIONER GOLLOTT: Why don't we just leave  
13 it alone?

14 It's not broke.

15 Why fix it?

16 COMMISSIONER HAVARD: Well, let's get it in line  
17 to protect ourselves. It is a protection.

18 COMMISSIONER GOLLOTT: The industry doesn't want  
19 to be protected. They want to do it just like they have  
20 been doing it for the last seventy, or a hundred, years.

21 COMMISSIONER HAVARD: So does the farmer and so  
22 does everybody else, but things change. You have to adapt  
23 to change, and I think whatever the laws might be that we  
24 have to tweak, or change, to get in compliance with the  
25 other surrounding states, I think it is there for your

1 protection.

2 COMMISSIONER GOLLOTT: You have inspection in  
3 the plant already.

4 why do you want more?

5 COMMISSIONER HAVARD: Because it is at a local  
6 level, opposed to a State, or a Federal, level.

7 COMMISSIONER GOLLOTT: They do the same thing.  
8 It comes from this Commission. You've got a division in  
9 this Commission, or this agency, that sends an inspector  
10 around once a quarter.

11 COMMISSIONER HAVARD: From a sanitary standpoint  
12 from my understanding.

13 Is that correct?

14 COMMISSIONER GOLLOTT: And it wouldn't be that  
15 much more to teach him law enforcement. He can look for  
16 improperly packed shrimp a lot better than your law  
17 enforcement people because he knows what he is looking at.

18 COMMISSIONER HAVARD: well, maybe he can get  
19 there prior to enforcement getting there.

20 COMMISSIONER GOLLOTT: Let him head up the  
21 inspection.

22 COMMISSIONER HAVARD: But he is not a law  
23 enforcement guy.

24 COMMISSIONER GOLLOTT: Teach him.  
25 You've got forty people that are in enforcement.

1           You are going to teach all these people  
2 everything there is about shrimp?

3           COMMISSIONER HAVARD: I think we have two more  
4 folks in the audience that would like to talk, and they  
5 are processors as well. I think it would be a good time  
6 to get Mr. Wally Gollott.

7           Mr. Gollott, I appreciate you coming today and  
8 you have three minutes.

9           WALLY GOLLOTT: What I would like to say is I  
10 had the same visit from the DMR.

11          COMMISSIONER BOSARGE: State your name.

12          WALLY GOLLOTT: My name is Wally Gollott. I own  
13 Gulf Pride Seafood.

14          We also had the same visit. Unlike M and M's  
15 visit, ours wasn't like that. They came. They came to  
16 the office. They said, hey, we are looking for a few  
17 things. Can you help us?

18          I'm going to say they came in. They were in and  
19 out in fifteen minutes.

20          We provided them what they were looking for.  
21 They were nice and cordial. We invited them to come  
22 through the plant.

23          On the inspections, I would like to say that we  
24 do welcome more inspections from law enforcement. We do  
25 think there is corruption in our industry.

1           The only thing it can do is help our industry  
2 get a better name. We are fighting imports every day. I  
3 would like to say that I think the biggest disadvantage  
4 that the processors have is that we are fighting imports  
5 every day on the market.

6           If we can declare that we've got USA wild  
7 caught, I have been able to get a demand of a little bit  
8 more money which is going to result and help the industry.

9           I am also a third party audit. My standards are  
10 probably the highest, one of the highest in the State with  
11 the third party audit, and I'm a BRC.

12          what I will tell you is, yes, they come once, or  
13 twice, a year. If everybody is doing what they are  
14 supposed to be doing in this industry, we welcome it  
15 because, if you are doing what your audit says you are  
16 supposed to be doing, you are not breaking the law. Thank  
17 you.

18           COMMISSIONER HAVARD: Thank you, Mr. Gollott.

19           We have another, Mr. Armond Gollott.

20           ARMOND GOLLOTT: Armond Gollott, C. F. Gollott  
21 Seafood, D'Iberville.

22           I will echo much of what Wally said. We were  
23 inspected several months back.

24           We also own The Dock down in the point, St.  
25 Michaels. It is frequently visited by DMR.



1           We have had nothing but good interactions with  
2 DMR. They have a job to do. They came in. They are  
3 professional. They asked us for our paperwork,  
4 information they needed. In a few minutes, we were able  
5 to provide it to them. They asked to walk around, look  
6 around. They did so. I would say they were in and out of  
7 our place in twenty, or thirty, minutes.

8           More inspections are the nature of our industry.  
9 Consumers are smarter. They want to know.

10           I would have a very hard time explaining to many  
11 of my customers why I would be advocating for less  
12 inspections.

13           I wanted to, more than anything, clarify that in  
14 our interactions with DMR of late no issues whatsoever.  
15 Thank you.

16           COMMISSIONER HAVARD: Thank you, Mr. Gollott.

17           Guys, this is not about judging law enforcement  
18 whether they are good, or bad, or whatever. These are  
19 just experiences that supposedly were experienced.

20           It sounds to me like if there is nothing to hide  
21 and in order to keep the foreign shrimp away and the fresh  
22 Gulf caught shrimp in Mississippi here -- and people do  
23 care about where their seafood is coming from. I talked  
24 to that last meeting.

25           At this time I would like to ask Sandy to come

1 up with whatever guidelines we need to put in place that  
2 gets us current with our Gulf States, but, in doing so, I  
3 would like to see Sandy involve Fisheries and enforcement  
4 in finalizing this.

5 JOE SPRAGGINS: May I make a suggestion?

6 COMMISSIONER HAVARD: Yes.

7 JOE SPRAGGINS: What Ronnie talked about  
8 earlier, if there is an issue right here, if you do  
9 nothing, there is nothing going to change what is going on  
10 with the way things are operational.

11 If there are still some concerns of the industry  
12 and some concerns with the Commission itself of how things  
13 are being done, maybe we should have another workshop and  
14 sit down and talk about this. Talk about it more and make  
15 sure that we know where we are and have it all laid out a  
16 hundred percent.

17 would y'all mind if we had that to be able to  
18 work on this?

19 COMMISSIONER DANIELS: Could I add to that just  
20 a little bit?

21 COMMISSIONER HAVARD: Yes.

22 COMMISSIONER DANIELS: Chief, I am going to pose  
23 a question to you. It sounds like some of the grievances  
24 with some of these inspections have possibly been the way  
25 that some of the officers moved through the processors, or

1 something like that.

2 Do you have the ability -- inside of  
3 enforcement, can you put together a plant task force that  
4 could be a little better trained?

5 There have been some allegations that shrimp  
6 were stepped on with dirty boots, that we could be more  
7 considerate of those types of things whenever you are in  
8 these processing plants.

9 They are saying that a lot of these guys may not  
10 know what can and can't be done in there and could  
11 potentially cause them to have bad product because it was  
12 soiled in some way, or something like that.

13 Can you have a task force within enforcement  
14 that is a little more specially trained on handling these  
15 situations?

16 KEITH DAVIS: Yes, sir, Commissioner.

17 I don't want to say that I could envision this,  
18 but we have visited a couple of the plants and received  
19 some inside information from plant owners on what could be  
20 disturbed by us coming in with the alleged dirty boots, or  
21 whatever.

22 So far we have found that that just doesn't  
23 happen. That is a baseless allegation that has no merit.

24 To answer your question, Marine Patrol has no  
25 problem with coming up with a step plan on when we get to

1 a plant, this is what we are going to do.

2 Now, I am against making an announcement that we  
3 are coming to do an inspection because if there is a  
4 violation, we are just announcing that, hey, you need to  
5 clean that up before we get there.

6 COMMISSIONER DANIELS: I agree with you a  
7 hundred percent.

8 KEITH DAVIS: There is no need for us to do  
9 that, but having an A to Z, or one to twenty, step on what  
10 they processors can expect when we get there, we can  
11 certainly provide that for you.

12 The other part of what I wanted to say is having  
13 Sandy create something to come back to the Commission on,  
14 I don't know that is needed.

15 I think this has been a good discussion this  
16 morning. Marine Patrol has always had the authority to go  
17 in and inspect shrimp processors, as we inspect seafood  
18 dealers, and I think that it is fair and it helps the  
19 competitiveness to know that imported shrimp is not being  
20 exported out of our State at a lower price than some of  
21 the other.

22 Here is the other thing that has not been talked  
23 about this morning.

24 Mr. Gollott, what has changed is the shrimpers  
25 themselves who struggle to go out and catch shrimp are

1 getting undercut by these imports coming into our country.

2 Even if we do nothing, if we write not one  
3 single citation, if we make it competitive for those guys  
4 to be able to sell their product to you, we have done our  
5 job, sir.

6 I don't know that there is anything else that we  
7 could do other --

8 COMMISSIONER GOLLOTT: (Interposing) Can I say  
9 something?

10 KEITH DAVIS: Yes, sir. Let me just finish this  
11 one last point.

12 I do not have a problem creating what you can  
13 expect when Marine Patrol gets there, but we are not  
14 checking for sanitation. We are not checking for anything  
15 that FDA regulates. We are checking to make sure that our  
16 processors are following the State laws and regulations  
17 set forth by this Commission.

18 COMMISSIONER GOLLOTT: Chief, the Food and Drug  
19 Administration, what they do when they come to the  
20 building, they come to your office first and they tell you  
21 they are there to inspect.

22 That gives you what, three or four minutes?

23 I mean, you are not going to clean the plant up,  
24 or do anything. If you are doing something illegal, there  
25 ain't no way you can straighten it out in two or three

1 minutes, if you know anything about plants.

2 You should have -- just like Food and Drug has a  
3 list of things they do in checking a plant, if that is  
4 what they want to do, and be courteous.

5 You know what I mean?

6 You ain't got to be a bully when you come into  
7 one of these plants. These people are working people.  
8 They are not criminals. They are not drug dealers.

9 KEITH DAVIS: Mr. Gollott, one of the things  
10 that you don't know about me, sir, is I am a very  
11 courteous person. In my career, I didn't even like  
12 writing citations because going to work, trying to get to  
13 work on time, and speeding citations have always been one  
14 of my pet peeves of not giving them to the working man,  
15 same as these shrimp processors, sir.

16 We know that y'all are hardworking law abiding  
17 citizens. However, there are instances where law  
18 enforcement needs to pay some attention to what you are  
19 doing inside your facility, and that is what we are going  
20 to do, sir.

21 COMMISSIONER GOLLOTT: And I'm not talking about  
22 you, Chief, but some of your people were very, very rude  
23 when they went to these processing plants and started  
24 pushing them around and telling them what they had to do  
25 and what they could do and what they couldn't do. I mean,

1 you could have straighten that out.

2 KEITH DAVIS: Again, in my career, sir, if I  
3 know that that is the case and I can prove that an officer  
4 has been discourteous to anyone that we serve, I can't  
5 assure you of a lot of things, but I can assure you of  
6 this, that Chief Davis will deal with that.

7 COMMISSIONER BOSARGE: Chief Davis, you know,  
8 like I said, I don't have a problem with you guys doing  
9 what you need to do, but maybe one suggestion because I  
10 know -- like Mr. Mavar said, I have been in quite a few of  
11 the plants and you learn, for instance, there are places  
12 in that plant that you can't go without a hairnet on, and  
13 I'm not saying your guys need to wear a hairnet, but it  
14 would be nice if some of your guys could at least have a  
15 refresher course on the rules and regulations that FDA  
16 puts in place.

17 Do what you need to do, but know don't go in  
18 that -- wait a minute. If I go in there, then, I am going  
19 to contaminate this.

20 Do you see what I'm saying?

21 Just maybe a little refresher course where when  
22 you guys are there, you know where you can go and where  
23 you can't go, without booties on your boots.

24 In other words, that to me is part of being  
25 courteous as not to cause them more problems.

1 KEITH DAVIS: Yes, sir. We don't have any  
2 problem with that.

3 Let me pose this question to you.

4 As I said, we did go visit a shrimp processor  
5 and this processing plant didn't have the same sentiment  
6 of us having the ability to contaminate shrimp and I paid  
7 attention because I went and purchased seafood the other  
8 day and, as I was standing in the line to purchase my  
9 seafood, there were shrimp laying there on ice and I  
10 wasn't wearing a hairnet, I had a weapon on and there were  
11 other customers in there with shrimp laying out in the  
12 open.

13 How is that not being contaminated, when my  
14 officers going into a processing plant when you have the  
15 ability to contaminate shrimp?

16 That is probably part of what we can get a  
17 refresher on. If we are going to contaminate something,  
18 that is certainly not what we want to do, but here is what  
19 we are not going to do. We are going to disarm the  
20 officers and we are probably not going to put hairnets on  
21 our heads, but we would be mindful of not contaminating  
22 any process.

23 COMMISSIONER BOSARGE: That's right, and it is a  
24 big difference between a State-inspected facility and an  
25 FDA-inspected facility.



1           COMMISSIONER GOLLOTT: But, Chief, if you go by  
2 FDA, you will wear a hairnet in these plants. That is  
3 mandatory.

4           KEITH DAVIS: We are not beyond the idea of  
5 making sure that we are not contaminating any product when  
6 we are inside these seafood processing plants.

7           COMMISSIONER GOLLOTT: The same thing I wanted  
8 to say while I've got a chance, and I'm not picking on  
9 you, or anything, but the last time I checked -- and I've  
10 been in this business a long time -- imported shrimp was a  
11 lot higher than domestic shrimp price wise. Now, it could  
12 have changed. I don't know, but there is no reason.

13           Yes, ten years ago there were a lot of  
14 processors bringing in imported shrimp and packing them  
15 and selling them as domestic shrimp. There were no laws  
16 against then.

17           Since then, there has been country of origin  
18 labeling put on this stuff and it is just not done anymore  
19 as far as I know. Most people are going out of their way  
20 to make sure if they are packing imported shrimp, they put  
21 the country of original labeling on it.

22           KEITH DAVIS: Commissioner Gollott, respectfully  
23 I disagree. I do believe that there are imported coming  
24 into the country and Mississippi is not excluded from  
25 that.

1           COMMISSIONER GOLLOTT: Have you arrested anybody  
2 that have been...

3           KEITH DAVIS: Not yet.

4           COMMISSIONER GOLLOTT: Okay.

5           KEITH DAVIS: Not yet.

6           COMMISSIONER GOLLOTT: Just curious.

7           Thank you, sir.

8           COMMISSIONER HAVARD: It sounds to me like all  
9 enforcement needs to do is get with General Spraggins and  
10 come up with some kind of formal list --

11           SANDY CHESNUT: (Interposing) Standard  
12 operating procedures list.

13           COMMISSIONER HAVARD: Yes. There you go. Thank  
14 you, Sandy -- for each time that they go to the processing  
15 plants and, as long as you guys follow that as close as  
16 you can, everything ought to be good to go.

17           Chief, do you mind working with General  
18 Spraggins to get some kind of standard operating procedure  
19 in place?

20           KEITH DAVIS: No, sir. We will have it as soon  
21 as possible.

22           The other thing is we are looking very hard at  
23 arming our guys with body cameras so these allegations  
24 don't come up anymore in the future.

25           COMMISSIONER HAVARD: Very good, and I hope that

1 you don't feel, or your staff feels, that you were put on  
2 the stand this morning. That was not the intention at  
3 all.

4 Thank you. If you guys will work with that with  
5 General Spraggins, that will be great.

6 JOE SPRAGGINS: Sir, I hope that is all the  
7 Executive Director's report.

8 COMMISSIONER HAVARD: Next I wanted to recognize  
9 Senator Seymour. We have him in the audience.

10 Good morning, Senator. Thanks for joining us.

11 Let's move on to the Commissioners Report.

12 Do any Commissioners have anything they would  
13 like to say at this time?

14 (No response.)

15 COMMISSIONER HAVARD: We don't have anything on  
16 the Commissioners Report.

17 Let's move on to Office of Marine Patrol, Chief  
18 Davis.

19 COMMISSIONER DANIELS: Chief, if I could say one  
20 thing, before you get started. I didn't realize we were  
21 going to through all that, but I had planned on saying  
22 this whenever you got up.

23 I received a phone call about a week ago from a  
24 charter captain that wanted me to pass on sentiment to  
25 you. He was checked while they were fishing, and he

1 called me just to let me know how professional and well  
2 maintained the officers were in the way that they  
3 proceeded with all of that and just wanted me to pass it  
4 along and thank you and all of your staff.

5 KEITH DAVIS: Thank you.

6 Since we last met, obviously, we closed the  
7 snapper season, and I am sure Fisheries is going to give a  
8 full report of the snapper season.

9 However, I did want to update you on the number  
10 of stops that were done during snapper season.

11 We checked a total of five hundred and sixty-  
12 eight vessels. We issued thirty-three citations for no  
13 Tails n' Scales registration. We saw twenty-one hundred  
14 and ninety fish and, as a result of the failure to  
15 register, we issued -- I'm sorry. We seized a hundred and  
16 fifty fish.

17 On the report, we continue to experience  
18 individuals who are committed to selling recreational  
19 caught fish. We have launched an extensive investigation  
20 into trying to identify anglers who sell their catch.

21 Again, I say this often that we are going to  
22 work with the legislature to come up with some other  
23 strategies to try to get closer to these individuals who  
24 are committed to selling recreational caught fish.

25 Last month we did issue a citation to a couple

1 out of Lucedale who were selling recreational fish, as  
2 well as an individual who was attempting to sell a large  
3 amount of flounder in Pass Christian. That individual has  
4 since obtained a seafood dealers license. However, at the  
5 time he was trying to sell his fish, he did not possess  
6 the license.

7 other than that, that is the highlight of the  
8 report.

9 In an effort to try to get out of here, are  
10 there any questions?

11 COMMISSIONER HAVARD: Chief, I do have one  
12 question. I know that this time of year in July there is  
13 what we call a crab jubilee on the islands. You can scoop  
14 them up with dip nets. It is a lot of fun.

15 The violations that I see under crab, ten  
16 violations with possessing egg bearing crabs, is that  
17 something you are seeing on the commercial level, or  
18 recreational level, and is it something that we can send  
19 out PR blip to kind of say that, hey, look, guys. The egg  
20 crabs, or sponge crabs, don't keep them?

21 KEITH DAVIS: Yes, sir. I think we did send  
22 something out after that particular case.

23 That is a commercial crab case that you see in  
24 the report, and that individual has received numerous  
25 citations from us, as a result of that same violation, and

1 we are going to be dealing with that in the criminal court  
2 in terms of his license, if we can get that suspension  
3 done on him.

4 COMMISSIONER HAVARD: Very good. Thank you.

5 KEITH DAVIS: Thank you.

6 COMMISSIONER HAVARD: That moves us on to Item  
7 G, Office of Coastal Resources Management, Jan Boyd.

8 JAN BOYD: Good morning Mr. Chairman,  
9 Commissioners, Director Spraggins.

10 We have one action item for your consideration  
11 this morning, and Adam Terrell will be presenting that.

12 ADAM TERRELL: Good morning Commission.

13 We have a request for a permit extension by  
14 Purcell Company, formally known as Diamondhead  
15 Corporation, for maintenance dredging in Paradise Bayou in  
16 Diamondhead Marina and the accessory canals.

17 Use districts are General and Commercial Fishing  
18 and Recreational Marinas.

19 The project's description. They are requesting  
20 a one-year extension until September 17<sup>th</sup>, 2020, for  
21 maintenance dredging of a previous authorized permit of a  
22 hundred and fifty thousand cubic yards of material.

23 This is the location of the dredging. This is  
24 Paradise Bayou coming off of Cutoff here and the accessory  
25 canals and the marina here (indicating diagram).

1           On September 17<sup>th</sup>, 2013, the CMR approved the  
2 applicant's request for a permit for maintenance dredging.

3           On August 15<sup>th</sup>, 2018, the applicant submitted a  
4 request for a one-year extension.

5           On the 21<sup>st</sup> of August of 2018, the CMR approved  
6 the applicant's request for a one-year extension.

7           As of August 29<sup>th</sup> of this year, the applicant has  
8 submitted a one-year extension request.

9           Based upon department's review, the staff  
10 recommends that the Commission accept and grant the  
11 applicant's request for a one-year extension until  
12 September 17<sup>th</sup>, 2020.

13           Any questions?

14           COMMISSIONER BOSARGE: I actually had one  
15 question.

16           Tasking my memory now, but is this the permit  
17 that we approved where, when they did the dredging, they  
18 were going to spray it out over the marsh?

19           ADAM TERRELL: They had a modification for that  
20 and it did not go through the Army Corps, and the  
21 environmental assessments that were done did not allow for  
22 that to take place.

23           COMMISSIONER BOSARGE: I was wondering. That  
24 was my question.

25           How did that turn out, or what did they do,

1 because I think that was the first time, Jan, if I  
2 remember correctly, that we had that type permit, or, in  
3 other words, that type of disposal?

4 JAN BOYD: It was the first time, and I commend  
5 you on your memory. That is pretty good.

6 COMMISSIONER BOSARGE: So the Corps said that  
7 they could not do it in that manner?

8 JAN BOYD: No, sir.

9 COMMISSIONER BOSARGE: Thank you.

10 WILLA BRANTLEY: This is willa Brantley.

11 I just wanted to clarify. The Corps did not  
12 deny their permit based on what they wanted to do. They  
13 just never got the permit through the Corps. I think it  
14 was more a timing issue than that the Corps said, no, you  
15 cannot spray the material, to my knowledge anyway.

16 COMMISSIONER BOSARGE: Okay. Thank you.

17 ADAM TERRELL: Any more questions?

18 (No response.)

19 ADAM TERRELL: Thank you.

20 COMMISSIONER BOSARGE: I will make a motion that  
21 we accept the staff's recommendation.

22 COMMISSIONER HAVARD: I have a motion.

23 Do I have a second?

24 COMMISSIONER GUESS: I'll second the motion.

25 COMMISSIONER HAVARD: All those in favor say



1 aye.

2 (All in favor.)

3 COMMISSIONER HAVARD: All opposed nay.

4 (None opposed.)

5 COMMISSIONER HAVARD: Motion so moved.

6 JOE SPRAGGINS: Sir, if I could real quick, Mr.  
7 Terrell is a new perimeter that we have had about a year  
8 now, a combat veteran and we appreciate him.

9 COMMISSIONER HAVARD: Very good.

10 COMMISSIONER DANIELS: Thank you for your  
11 service.

12 ADAM TERRELL: Thank you.

13 COMMISSIONER HAVARD: That sums it up for  
14 Coastal Resources Management.

15 We will move on to Coastal Restoration and  
16 Resiliency, Mr. George Ramseur. No presentation.

17 That leads us to Finance and Administration, Ms.  
18 Brewer.

19 LESLIE BREWER: Good morning. My name is Leslie  
20 Brewer, CFO. I will present the financials for August  
21 31<sup>st</sup>, 2019.

22 At the end of August, our State Revenue was  
23 three point one million. Our Total Agency Revenue was  
24 three point three million.

25 State Net Income was one point nine and Total

1 Agency Net Income was one point three.

2 After two months of fiscal year 2020, we had  
3 ninety-six point six percent of the Operating Budget  
4 remaining, while the Tidelands Budget was at ninety-seven  
5 percent.

6 Are there any questions?

7 COMMISSIONER HAVARD: I don't think so. It  
8 Looks good.

9 LESLIE BREWER: Thank you.

10 COMMISSIONER HAVARD: Thank you.

11 That brings us on to Public Affairs, Ms.  
12 Charmaine.

13 CHARMAINE SCHMERMUND: Good morning  
14 Commissioners, Director Spraggins, Ms. Chesnut.

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

18 Popular news items included the effects of the  
19 Bonnet Carre Spillway, boater safety and the release of  
20 one hundred and thirty-four thousand speckled trout in Bay  
21 St. Louis.

22 Marine Patrol taught one boat-and-water safety  
23 class and certified eight students. So far in fiscal year  
24 20, officers have taught six classes and certified one  
25 hundred and six students.

1 Marine Patrol, along with agency staff, took  
2 part in the Biloxi Seafood Festival this past weekend. In  
3 addition to having a marine patrol boat on display, we  
4 handed out our rules and regulations publication, fish  
5 ruler stickers, fish posters, items promoting Mississippi  
6 seafood and other informational publications for children  
7 and adults.

8 In the Office of Marine Fisheries, Shellfish  
9 Bureau's Alicia Carron of the Harmful Algal Bloom Response  
10 Team participated in a forum for scientists to assess the  
11 current state of the research for harmful algal blooms  
12 with a focus on red tide and blue-green algal blooms.

13 The event, "Harmful Algal Blooms State of the  
14 Science Symposium", was hosted by the University of  
15 Florida and Florida's Sea Grant Program in St. Petersburg,  
16 Florida, August 20<sup>th</sup> and 21<sup>st</sup>.

17 Shellfish Bureau's Jason Rider gave an oyster  
18 aquaculture presentation at Gulfport High School on August  
19 22<sup>nd</sup>. Jason helped the students better understand the  
20 Oyster Aquaculture Program, since the school's Technology  
21 Center team received a grant for finding a more economical  
22 solution to flipping oyster aquaculture cages.

23 Seafood Technology Bureau's Jessica Rankin gave  
24 an oyster dissection demonstration to Zoology students at  
25 Harrison Central High School last week.

1 Office of Marine Fisheries Marine Administrator  
2 Rick Burris shared current information with the public at  
3 The Sun Herald Bonnet Carre Forum held at the Gulfport  
4 Knight Nonprofit Center on August 28<sup>th</sup>. His discussion  
5 with other local experts on the issue covered the impact  
6 of the spillway opening.

7 Finfish Bureau's Jon Barr, Katya Jagolta, Austin  
8 Burmaster and Courtney Walker are currently participating  
9 in the GulfFin Otolith Processors Meeting in Panama City  
10 Beach, Florida. They are conducting otolith reading  
11 exercises and discussed reference sets, important for  
12 aging fish and informing studies on popular species such  
13 as Red Snapper, Red Drum and Southern Flounder, among many  
14 others.

15 COMMISSIONER HAVARD: Very good. Thank you very  
16 much for those updates.

17 CHARMAINE SCHMERMUND: Thank you.

18 COMMISSIONER HAVARD: Office of Marine  
19 Fisheries, Mr. Joe Jewell.

20 JOE JEWELL: Thank you, Commissioners.

21 We have five items on our agenda for your  
22 consideration.

23 Before we get into those, I am going to give a  
24 brief Red Snapper Season update. We plan to give a much  
25 more detailed synopsis of the season at the October

1 Commission meeting.

2 Mississippi Red Snapper Season, it ran from May  
3 the 24<sup>th</sup> through September the 8<sup>th</sup>. Of course, we had a mid  
4 season closure and an extension. It was open for a total  
5 of seventy-nine days.

6 The allowable catch limit, under the Mississippi  
7 Red Snapper Exempted Fish Permit, was a hundred and forty-  
8 eight thousand five hundred and seven pounds.

9 The total harvest during this time -- this is  
10 for the private recreational season -- was one hundred and  
11 forty-seven seven hundred and forty-eight thousand pounds.  
12 What that equated to is we captured ninety-nine point five  
13 percent of the ACL.

14 Now, for the State Charter-for-Hire Fishery, the  
15 season opened May 24<sup>th</sup> and closed June 12<sup>th</sup>. It was open  
16 for a total of twenty days. The allowable catch limit was  
17 two thousand six hundred and forty-two pounds. Of course,  
18 that was minus the overage from 2018. The total harvest  
19 was two thousand five hundred and thirty-one pounds. So  
20 the harvest equated to ninety-five point eight percent of  
21 the ACL.

22 If there are no questions, we will get right  
23 into the agenda.

24 COMMISSIONER BOSARGE: I have a question.

25 JOE JEWELL: I'm sorry.

1           COMMISSIONER BOSARGE: I didn't mean to show you  
2 down there.

3           I heard Chief say that I think there were a  
4 hundred and fifty fish confiscated for no Tails n' Scales.  
5           Were those added into the calculations on the  
6 TAC?

7           JOE JEWELL: They currently have not been added  
8 into our calculation for the TAC.

9           COMMISSIONER BOSARGE: Do you think that is  
10 something we need to do?

11          JOE JEWELL: I think I will let Chief Davis  
12 answer that question.

13          KEITH DAVIS: Those fish have been added, I  
14 thought. You need to maybe check with your staff.

15          MATT HILL: The fish are not directly added into  
16 the TAC. They are part, being that it is part of the  
17 noncompliance. When we talk about what the compliance, or  
18 noncompliance, ratio is, those fish are part of what  
19 happens when we run the estimator equations so those fish  
20 are accounted for.

21                 We do not just take those hundred and fifty  
22 fish. We take the citations that Marine Patrol has  
23 written which gives us the noncompliance rate, so it is  
24 part of the equation that was approved by the consultant  
25 through the NOAA certification process.

1           Those fish aren't directly counted, as you would  
2 think they would be. We don't multiply one hundred and  
3 fifty times five and just add it on there, but they are  
4 accounted for in the noncompliance rate.

5           COMMISSIONER BOSARGE: It just came to me, when  
6 he said that.

7           Do you mind sitting down with me and showing me  
8 this procedure you are going through?

9           MATT HILL: Yes, sir, absolutely.

10          COMMISSIONER BOSARGE: One other thing, Joe. I  
11 have had several fishermen bring it to my attention. This  
12 sound is just about void of shrimp.

13          Have you guys done any testing?

14          JOE JEWELL: We've got several testing programs.  
15 We do our trawling and we are testing the shrimp for  
16 public health standards right now. So we are doing that.

17          COMMISSIONER BOSARGE: There have been several  
18 of them that have gone out and made tows. One of them  
19 caught one shrimp and the other one caught four.

20          JOE JEWELL: Well, the full impacts of the  
21 Bonnet Carre Spillway aren't completely known right now,  
22 but it had a devastating impact on our shrimp industry and  
23 this time of the year we are in transition between the  
24 brown and white. So that may have an added affect on  
25 them, but we are getting reports of low catches in the

1 Mississippi Sound.

2 COMMISSIONER BOSARGE: I just wanted to make you  
3 aware.

4 JOE JEWELL: Sure.

5 COMMISSIONER GOLLOTT: Joe, can I ask you a  
6 question?

7 JOE JEWELL: Absolutely.

8 COMMISSIONER GOLLOTT: Did we complete the  
9 snapper allocation for Mississippi on this last opening?

10 JOE JEWELL: We did. We absolutely did. Like I  
11 said, we harvested ninety-nine point five percent of the  
12 total allocation, the ACL for the State of Mississippi.

13 We got very close. We have a very accurate  
14 program, the Tails n' Scales Program. So we are about as  
15 close to it without going over as any state in the Gulf of  
16 Mexico right now.

17 COMMISSIONER GOLLOTT: Good. Thank you.

18 JOE JEWELL: Are there any other questions?

19 (No response.)

20 JOE JEWELL: With that being said, the first  
21 agenda item up for consideration is the 2019-2020 Oyster  
22 Season Update by Mr. Erik Broussard.

23 ERIK BROUSSARD: Good morning Commissioners,  
24 Director Spraggins, Ms. Chesnut.

25 Traditionally September is the month that we



1 come forward and present to you the condition of the  
2 oyster resources and kind of talk about some parameters  
3 for a season.

4 Before we get into that, I want to touch on a  
5 couple of projects that we have just wrapped up in the  
6 last week, or so.

7 I will start off with an eighty acre cultch  
8 plant in Pascagoula on the Causeway Reef. That was a  
9 directive that the Commission gave to staff, and I want to  
10 commend that directive. That set a precedent. That is  
11 the first time that cultch material has been replaced  
12 after a relay.

13 That decision was made to replace that cultch,  
14 as a result of the relay back in January.

15 The eighty acres here, as you can see on the  
16 Causeway Reef, it was shell only. It was planted at about  
17 half the rate of a traditional cultch plant. It was just  
18 to enhance what was there. We did not want to cover up  
19 the reef that was existing. The majority of the relay  
20 effort took place, so that is kind of how the site was  
21 determined. I just wanted to mention that.

22 The other one is over in Biloxi Bay. We have  
23 three different cultch plants here.

24 Securing a cultch plant contract, the  
25 procurement process through the State is rather lengthy,

1 so that usually starts late fall, or early winter, before  
2 we realized that the Bonnet Carre was going to open, so  
3 the contract had already been awarded for six hundred  
4 thousand and we were monitoring the conditions. The  
5 western Sound which is where this was slated for, we kept  
6 postponing and postponing the cultch plant.

7 Through the Bonnet Carre sampling efforts, we  
8 realized that Biloxi Bay was seeing a lot less mortality,  
9 and the oysters that we were finding had some spawning  
10 potential. There was some production. So the decision  
11 was made to go ahead and move forward with the cultch  
12 plant.

13 That added about eighty acres. That is in gray.  
14 That is limestone (indicating slide).

15 An additional twenty-one acres was planted in  
16 oyster shell, and, then, the light blue boxes, there is  
17 another cultch planting program where we are using the  
18 Conservationist, loading it with cultch materials that we  
19 have staged in Gulfport at our staging site.

20 we have limestone, oyster shell and crushed  
21 concrete. The boat will rotate through those material  
22 types, in an effort to look at the spat catching ability  
23 of the different material types. We always hear different  
24 sayings on what is best, so we are kind of conducting our  
25 own little project.

1           Previously before these cultch plants, Biloxi  
2 Bay was only seventeen acres. Now we are up to about a  
3 hundred and thirty acres, so that is a substantial  
4 increase and we look forward to the production that we  
5 might see in years coming.

6           Into the more traditional part of the  
7 presentation, oyster license sells. You can see compared  
8 to last year we are down a little less than a hundred.

9           A lot of fishermen wait until this particular  
10 meeting in September to buy their license to wait and hear  
11 what kind of season it is going to be and what the status  
12 of the oyster resources are, so this number can change.

13           Into the data, this is the shellfish data for  
14 the western Sound only and this is one-minute dredge tow  
15 data that started pretty much the day that the Army Corps  
16 notified us that they would be opening the spillway. We  
17 immediately got out back in February and started sampling  
18 to get an idea of where our baseline would be. We have  
19 been out sampling since the last week of February every  
20 week on all our major reefs.

21           The black line is the trend line and, if you  
22 follow it to your first vertical line which was the  
23 initial closing of the Bonnet Carre, you can see we were  
24 probably somewhere around thirty-five percent mortality  
25 and it looked to be things were kind of stabilizing and we

1 may have dodged the bullet.

2 As you follow it to your second reopening of the  
3 Bonnet Carre, you can see the mortality significantly  
4 increases.

5 A couple of things were going on then. You had  
6 the duration, the amount of time that the oysters were  
7 exposed to that fresh water, along with at that point we  
8 were starting to get into the spring and the water  
9 temperatures were starting to rise, and those two things  
10 combined resulted in a significant mortality. As you  
11 follow it to the final closing of the Bonnet Carre,  
12 mortality in the Western Sound is above ninety-five  
13 percent.

14 Here we have a breakdown by reef. I will go  
15 through it, but just to put it in perspective, this chart  
16 does a really great job at showing you percent mortality  
17 by reef. What it does not do is put in perspective the  
18 size.

19 The Western Sound, when things are going well,  
20 makes up about five to eight thousand acres of reef.

21 Some of these reefs in the Eastern Sound would  
22 combine to be about five hundred.

23 It is a significant impact, when the Western  
24 Sound is seeing mortalities of this level, but I will go  
25 through. Henderson Point at ninety-nine percent

1 mortality. Pass Christian, ninety-five percent mortality.  
2 Pass Christian Tonging, one hundred percent. Pass  
3 Marianne, ninety-five percent. St. Joe which has been our  
4 most productive reef over the last five years, ninety-nine  
5 percent mortality. St. Stanislaus, ninety-six percent  
6 mortality.

7 Moving into the Eastern Sound, the Causeway Reef  
8 which is the reef where it shows the cultch plant took  
9 place, seventy-nine percent alive; twenty-one percent  
10 dead. West Pascagoula Reef, eleven percent live; eighty-  
11 nine percent dead. Shearwater which is right off of Ocean  
12 Springs beach, thirty-three percent live; sixty-seven  
13 percent dead. The Biloxi Bay Reef, eighty-six percent  
14 live and fourteen percent dead.

15 Again, just as a note, the Causeway Reef and the  
16 Biloxi Reef are the two reefs we cultch planted on and we  
17 kind of leaned on some of this data to kind of direct  
18 those decisions. They are further away from the Bonnet  
19 Carre and some of its effects, so that kind of leaned us  
20 that way.

21 with that being said, due to the significant  
22 mortality, the recommendation is no harvest of oysters  
23 from the public oyster grounds for the 2019-2020  
24 Mississippi oyster season.

25 COMMISSIONER GOLLOTT: Erik.

1           ERIK BROUSSARD: Yes, sir.

2           COMMISSIONER GOLLOTT: Our laws say that we are  
3 to relay oysters out of polluted areas and put them in  
4 areas where the fishermen can catch them.

5           what does it look like on the Pascagoula Reef?

6           The picture you just painted there wasn't too  
7 good to relay oysters off of.

8           ERIK BROUSSARD: No, sir. We took a significant  
9 amount. I believe it was around thirty percent last year  
10 in the relay back in January and, as you can see, it did  
11 not sustain the mortality that some of the other reefs  
12 had, but we did just relay off the reef and actually just  
13 cultch planted. You might not want to disturb new setting  
14 spat and things of that nature.

15          COMMISSIONER GOLLOTT: We haven't harvested  
16 anything off of the relay, the last relay you had out of  
17 Jackson County into Biloxi Bay.

18          Is that correct?

19          ERIK BROUSSARD: Correct.

20          COMMISSIONER GOLLOTT: How many oysters would be  
21 there, if we wanted to open for, say, a Thanksgiving small  
22 season for the fishermen, or something like that?

23          Could the reef sustain it?

24          ERIK BROUSSARD: Last year's reef assessment, I  
25 believe predicted to have about thirteen hundred sacks on

1 the Biloxi Reef which was seventeen acres.

2 That additional relay material, I believe, added  
3 another five to eight acres.

4 It is still a very small reef with not a lot of  
5 market oysters. Some of the mortality that did take place  
6 in Biloxi was that size class, that three-inch size class.

7 while you do see eighty-six percent live, that  
8 is not all market size oysters that are live.

9 COMMISSIONER GOLLOTT: Lot of small oysters?

10 ERIK BROUSSARD: Lot of small oysters.

11 COMMISSIONER GOLLOTT: When were you planning on  
12 doing another test on that area?

13 I would rather see how it looks now.

14 ERIK BROUSSARD: We are going to continue to  
15 sample these areas. Traditionally what we would do is  
16 have the square meter, but with the hazard event going on  
17 and the possibility of the toxins and the water contact  
18 advisories, there has been no diving to get an absolute  
19 number on how many sacks it would be exactly on that reef.

20 COMMISSIONER GOLLOTT: Thank you.

21 COMMISSIONER DANIELS: Erik, have we got any  
22 plans in place?

23 Have we started looking forward towards trying  
24 to rehab some of these reefs on the western end of the  
25 Sound?

1                   What is going on with that?

2                   ERIK BROUSSARD: Yes. We have had some  
3 conversations with Director Spraggins and we will continue  
4 those.

5                   Normally, we would start that process, again,  
6 late fall/early winter to start with our cultch planting  
7 projects for next spring and next fall.

8                   COMMISSIONER DANIELS: Okay.

9                   COMMISSIONER HAVARD: Mr. Broussard, the West  
10 Pascagoula Reef, is that a reef that we have relayed off  
11 of recently?

12                  ERIK BROUSSARD: That reef was open to relay,  
13 when we had the relay back in January, but the majority of  
14 the harvest came off of the Causeway Reef. Over ninety  
15 percent came off the Causeway Reef. There were just four,  
16 or five, boats over there working.

17                  COMMISSIONER HAVARD: Very good. Thank you.

18                  COMMISSIONER GOLLOTT: I just want to make one  
19 thing clear. We did go back and cultch plant the places  
20 that we relayed off of. It is the first time we have ever  
21 done that and that is great.

22                  ERIK BROUSSARD: Yes.

23                  JOE SPRAGGINS: Sir, if I could, they are doing  
24 a great job of trying to put new cultch in areas and in  
25 the Biloxi Bay area especially, a lot of new cultch going



1 in and new areas going there.

2 what we do have there, that is spawning and it  
3 is all we have right now is what is in the Eastern Sound.  
4 That is basically all we have left to spawn.

5 I think the staff's recommendation is that we  
6 leave that so it can spawn and maybe we can get some more  
7 oysters growing quicker than what we looked at to start  
8 with. They are working very hard at it, sir.

9 COMMISSIONER DANIELS: In talking to oyster  
10 guys, at least over on the west end and what we tried to  
11 do last year with small seasons, most of them have told me  
12 that it just is not worth the effort, if there are not  
13 going to be enough there to catch.

14 In light of that, I would like to make a motion  
15 to go with the staff's recommendation on keeping it closed  
16 this year.

17 COMMISSIONER GOLLOTT: I will second the motion.

18 COMMISSIONER HAVARD: I've got a motion on the  
19 table and Commissioner Gollott seconded the motion.

20 All those in favor say aye.

21 (All in favor.)

22 COMMISSIONER HAVARD: Opposed say nay.

23 (None opposed.)

24 COMMISSIONER HAVARD: Motion so moved.

25 ERIK BROUSSARD: Thank you.

1 JOE JEWELL: Thank you, Commissioners.

2 Next up on the agenda is an update on the Gear  
3 Type Task Force by Mr. Rick Burris.

4 RICK BURRIS: Good morning Mr. Chairman,  
5 Commissioners, Director, Ms. Chesnut.

6 I want to give the Commission an update on the  
7 Gear Type Task Force meeting.

8 COMMISSIONER BOSARGE: Can we take a quick ten-  
9 minute recess?

10 Is that possible?

11 COMMISSIONER HAVARD: Yes. Let's break for  
12 about a ten-minute recess.

13 COMMISSIONER BOSARGE: I appreciate it.

14 RICK BURRIS: Yes, sir.

15 MEETING STANDS IN RECESS

16 COMMISSIONER HAVARD: Let's get started again.  
17 I think we left off with K2, Mr. Rick Burris.

18 RICK BURRIS: Once again, I want to update the  
19 Commission on the Gear Type Task Force meeting.

20 If you recall, at the July CMR meeting, the  
21 following motion was made, to reconvene the Gear Type Task  
22 Force to look at Title 22, Part 7, Chapter 13, Trout Line  
23 Regulations and other issues.

24 The Gear Type Task Force did meet on Monday,  
25 August the 26<sup>th</sup>, and discussed those issues.

1           Throughout the discussion of trout lines, we  
2 took a look at Mississippi's Title 22 regulations and  
3 other Gulf states' regulations both commercially and  
4 recreationally to see how those line up with the  
5 regulations we have.

6           The current DMR regulations in Title 22, Part 7,  
7 Chapter 13, only require trout lines to be tagged at both  
8 ends and that they tend the bottom.

9           The task force agreed that more knowledge is  
10 needed on the fishery to include the total effort, the  
11 areas fished, the lengths of the lines, number of hooks,  
12 seasonality and species targeted at this time.

13           Some of the other issues that were discussed  
14 were reduction of discard mortality in Red Snapper fishery  
15 and the use of monofilament nets by research and  
16 government agencies.

17           In order to gain more information on the trout  
18 line fishery in Mississippi specifically, the task force  
19 recommends requiring trout line tags to be renewed  
20 annually. This will allow managers to know how many  
21 actual lines are being fished each year. The current  
22 trout line tags are not required to be renewed to know the  
23 total number of effort.

24           The task force also recommends initiating a  
25 survey to be filled out before the fishermen obtain the

1 tags with the needed information on it, like we just  
2 mentioned, the areas fished, the length and the number of  
3 lines fished, the number of hooks, species targeted and  
4 seasonality.

5 A draft survey will be submitted to the task  
6 force at the next meeting which is tentatively the last  
7 week of October, or the first week of November.

8 Through this discussion, a formal motion was  
9 made and adopted unanimously by the task force to read:

10 "Amend Title 22, Part 7, to assign tags  
11 annually from this point forward for  
12 both the commercial and recreational  
13 component and, additionally, applicants  
14 must complete a survey regarding trout  
15 line effort before any tags are issued."

16 Then, a subsequent motion was made to present  
17 this recommendation to the Commission today.

18 The proposed amendment, as we talked about,  
19 would apply to Title 22, Part 7, the regulations to  
20 provide size limits and bag limits on certain fish species  
21 and to prevent the sale of seafood by recreational  
22 fishermen. It would apply to Chapter 13, Trout Line  
23 Regulations.

24 Before we get into the recommendation by the  
25 task force, we did note a minor change in Section 100. I

1 will read that into the record. Section 100 of Trout Line  
2 Regulations reads:

3 "Anyone trout line fishing south of  
4 Interstate 10, shall be registered  
5 with the DMR and be issued a unique  
6 number that is to be attached, along  
7 with the fisherman's name, to both  
8 ends of the trout line in indelible  
9 ink on" -- it currently reads "metal  
10 tags".

11 We would like to propose to change that to  
12 corrosion resistant tags, as we currently issue plastic  
13 tags. Replacing metal with corrosion resistance gives us  
14 a broader spectrum to work with. Metal would be replaced  
15 with corrosion resistant, and it would continue to read:

16 "Tags readable by DMR personnel. If  
17 name and number is not attached to both  
18 ends and readable by DMR personnel and  
19 tending the bottom, a line will be  
20 deemed illegal and may be confiscated  
21 by DMR personnel. Additionally, a  
22 Marine Patrol officer will issue a  
23 ticket to anyone operating an illegal  
24 trout line."

25 Based on a recommendation from the Gear Type

1 Task Force, we are proposing to add Section 101 which  
2 would read:

3 "From and after January 1<sup>st</sup>, 2020,  
4 both recreational and commercial  
5 trout line tags shall be renewed  
6 on an annual basis. Trout line  
7 tags will be valid from January 1<sup>st</sup>  
8 to December 31<sup>st</sup> of each year."

9 Before we move forward, I just wanted to note  
10 that if this language were to be adopted by the  
11 Commission, we would contact all current tag holders,  
12 trout line tag holders and let them know that after  
13 December 31<sup>st</sup>, their tags will no longer be valid. They  
14 would just need to come in before then and get their new  
15 tags. Of course, these tags are free of charge.

16 The way the current trout line tags read, it  
17 reads "DMR Trout Line" and it has a number, say 001.

18 what we plan on doing so these are renewable is  
19 adding the year of validity, or the year that it is valid  
20 on there, so it would read "DMR Trout Line 001 2020", and,  
21 then, the 2021 one will obviously read "2021" and so on  
22 and so forth.

23 we would also differentiate these tags  
24 commercially and recreationally by a color code. we will  
25 have definite numbers of the gear used by each component.

1 As it is currently, fishermen that fish both commercial  
2 and recreational trout lines.

3 If the Commission approves the recommendation by  
4 the Gear Type Task Force, a motion to proceed with the  
5 Notice of Intent for regulatory changes to Title 22, Part  
6 7, Chapter 13, to add Section 101 as recommended by the  
7 Gear Type Task Force is needed.

8 COMMISSIONER DANIELS: A couple of questions.

9 One, do you think after one year of surveys, you  
10 will have enough data to make some type of speculations on  
11 the information that you are needing?

12 RICK BURRIS: I think we will get an idea of the  
13 bigger picture. I don't know if we could definitively say  
14 this is the way the fishery looks because it is just one  
15 year of data.

16 I think if we got three years, we could really  
17 provide some better information, but it would give us a  
18 much better picture than what we currently have.

19 COMMISSIONER DANIELS: One thing I would like to  
20 add potentially to the language as a result of the  
21 confusion that tags created in the net problem that we  
22 had, I know there is not much regulation for number of  
23 hooks, or length, or anything like that right now, but  
24 moving forward if there were to be, I would like to see  
25 some type of language in there stating that this tag is

1 for tracking purposes only and does not deem the line as  
2 being legal, or illegal, per DMR.

3 RICK BURRIS: would that need to be in the  
4 regulation, Sandy?

5 SANDY CHESNUT: Yes. I would put it in the  
6 clarification in the regulation.

7 JOE JEWELL: It would absolutely have to be in  
8 the regulation, but that could be handled in the program  
9 protocol for standard operating procedures and we can  
10 actually put it on the tag, not for law enforcement  
11 purposes.

12 COMMISSIONER DANIELS: Yes. Obviously, there is  
13 was a lot of confusion with cases that would get to court  
14 in the net thing and they would say, hey, we've got a tag.  
15 It's legal.

16 If we were to implement length restrictions,  
17 hook restrictions, soak time, any of that, I would hate to  
18 see these tags being used to get a court case thrown out  
19 at that point again.

20 COMMISSIONER GUESS: We probably don't have to  
21 do that until a year, or two years, or three years,  
22 whatever it was that we were going to try and collect that  
23 data.

24 Right?

25 Or do you think it should go on there now?



1           COMMISSIONER DANIELS: We don't have to worry  
2 about missing it in the future, if we do it now, but I'm  
3 open to either way. If we add it now, we don't have to  
4 worry about it in the future.

5           It may become a nonissue. We may see that we  
6 don't need to put it any of these regulations and, if that  
7 is the fact, I am fine with that, but at least that  
8 verbiage is there in case we do

9           JOE JEWELL: Can we go back to the regulatory  
10 slide, the one right before the motion slide?

11          RICK BURRIS: Right.

12          JOE JEWELL: Let's take a minute and inject that  
13 language probably in 101. It would be easiest to put it  
14 there.

15          RICK BURRIS: Can y'all open that up so we can  
16 see it?

17          COMMISSIONER BOSARGE: Maybe just a suggestion  
18 that you put some language in there that maybe says the  
19 tags are for the license only, instead of the gear?

20          Just a suggestion.

21          COMMISSIONER HAVARD: Rick, I don't know if now  
22 is the time to talk about it, or wait a few minutes.

23          When you guys put these tags on these lines, I  
24 think you guys ought to write down how long the line is,  
25 how many hooks it has on it, what it is made out of.

1           RICK BURRIS: To your point, when somebody comes  
2 in to get a tag, to get trout line tags, right now they  
3 just basically say, I have six lines. I need enough for  
4 six. I need enough tags for six lines. So that would be  
5 twelve tags. We don't actually put those tags on that  
6 trout line, but the survey that the task force has  
7 requested that we gain that information should capture all  
8 of that, if y'all are okay with that.

9           JOE JEWELL: Can I ask a question and maybe some  
10 clarification?

11           I understand the issue that erupted during the  
12 net issue last year, and I understand to try and put some  
13 clarification in that. I agree, but the tag's presence,  
14 or absence, is a law enforcement issue. So I've got some  
15 concerns about that.

16           If we tag this net, that means that it is part  
17 of the program.

18           If people are out there without tags on trout  
19 lines, then, I would consider that an illegal activity,  
20 and, then, it is a law enforcement issue.

21           I would like some clarification about that.

22           SANDY CHESNUT: From what I'm understanding, the  
23 tags are required and you would be out of compliance and  
24 in violation of regulation which is a citation, if you  
25 don't have the tags.

1           JOE JEWELL: Correct.

2           SANDY CHESNUT: I think what they are trying to  
3 avoid is these guys going to court and using that tag to  
4 say, this is a legal gear type, or whatever, like they did  
5 with the nets, and I don't know exactly how we need to  
6 word that to accomplish that, but I think that is the  
7 direction we are moving in.

8           JOE JEWELL: I think we all agree. I just want  
9 to ensure that not having your tags is noncompliance. It  
10 says "regulatory violation".

11          KEITH DAVIS: I agree, Sandy. I think if it  
12 says, not to determine the legality of the gear. I can  
13 see some issues with that.

14          Instead, can we say that the tags are required.  
15 However it does not...

16          JOE JEWELL: Just what you have right there, the  
17 tags are required, but are to be used for identification  
18 purposes only.

19          COMMISSIONER DANIELS: But do not guarantee...

20          RICK BURRIS: I think the way it is currently  
21 written and, if the Commission was to make any change in  
22 the future, that would be added as well, but the way it is  
23 currently written, that is what they are used for is  
24 identification, or tracking purposes.

25          In this case, we could even say tracking because

1 that is what we are doing is tracking the amount of  
2 effort, identification and tracking, either or.

3 COMMISSIONER DANIELS: Chief, I am going to have  
4 to ask you and Ms. Sandy on this one.

5 Does that cover it whenever it gets to court to  
6 keep from somebody getting a case thrown out, if in the  
7 future they do get caught with something that seems  
8 illegal?

9 KEITH DAVIS: I like this wording better than  
10 the other, "Does not constitute the legality of the net",  
11 for sure.

12 COMMISSIONER DANIELS: Okay.

13 JOE JEWELL: I think part of the overall issue  
14 is that by adopting this regulatory change, it allows for  
15 the tagging of the trout lines.

16 The issue that erupted during the netting issue  
17 is the fact that we were directed to, or asked to tell the  
18 Commission how many nets were out there.

19 Now, the Commission didn't tell us how to do  
20 that. So the method in which we decided to do that was  
21 the method we already had at hand which was to tag the  
22 nets.

23 That is where the issue became a problem for the  
24 Commission, for our agency, for law enforcement was the  
25 fact that nowhere in the regulation did it stipulate that,

1 did it actually say that. So that is what was occurring  
2 when we went to court. There was the possibility they  
3 could say, hey, you tagged my net, but there was no  
4 regulatory process that said you had to tag the nets.

5 This would be a little bit different from that.  
6 The clarification being that the tagging of the nets is in  
7 the regulation. It is mandatory.

8 I am trying to make that distinction, but I  
9 understand both parties.

10 COMMISSIONER DANIELS: I think we are all trying  
11 to get to the same place.

12 JOE JEWELL: If we are going to tag the nets, if  
13 it is going to be in regulation, then, it absolutely is a  
14 law enforcement issue.

15 JOE SPRAGGINS: One thing I'm concerned about is  
16 that last statement. If law enforcement goes and checks a  
17 tag and the tag has not been renewed, does this relieve  
18 them from saying that they can't violate --

19 JOE JEWELL: (Interposing) well, what I am  
20 trying to say in an indirect way is -- I want  
21 clarification from our attorneys -- I don't think this is  
22 even necessary at all because the Commission is enacting a  
23 regulation. It is making it mandatory that they be  
24 tagged.

25 By putting an exemplary statement in there, I

1 think I am going to agree with Chief. It could cause a  
2 problem in court because, if he gave me a ticket and I  
3 showed up and I said, hold on a second. It says in  
4 regulations for identification and tracking purposes only.  
5 It is not law enforcement.

6 I think by having the language in there that  
7 says it is mandatory they be tagged annually is enough.

8 COMMISSIONER DANIELS: Could we say current  
9 trout line tags are required for identification and  
10 tracking purposes and required by law?

11 By saying "current", that means they have to be  
12 renewed, and by saying "and required by law", that means  
13 that have to have them.

14 RICK BURRIS: Well, it is required in Section  
15 100 that the lines be tagged. All we are doing in 101 is  
16 just saying they have to renewed annually.

17 Sandy, correct me if I'm wrong. It is already  
18 required. The only change we are making is that they be  
19 renewed on an annual basis.

20 JOE JEWELL: It clearly says "trout line tags  
21 shall be renewed on an annual basis".

22 I think we have it all covered.

23 COMMISSIONER HAVARD: Do you mind if Johnny has  
24 a chance to speak?

25 JOE JEWELL: I don't mind.

1           JOHNNY MARQUEZ: Johnny Marquez with the  
2 Mississippi Wildlife Federation.

3           I just wanted to make a quick point. I think we  
4 are confusing this with the nets in a different way.

5           Now, the tags were being used for the nets, and,  
6 then, people who were being cited for a violation were  
7 coming in an saying, well, I'm cited. I have this tagged  
8 net which means it is legal and it meets the requirements.

9           Right now we don't have any requirements for a  
10 trout line. There is nothing that says it has to be this  
11 long, this many hooks, this soak time, anything else.

12           It seems to me putting any other language in  
13 here creates that problem. If we are saying it is just  
14 being used for identification, it creates some sort of an  
15 out. It is unnecessary language.

16           It is a legal requirement. They have to have  
17 the trout line tagged, but it is different than what was  
18 going on with the nets where they were saying, well, this  
19 is a haul seine versus a gill net, but it is tagged. You  
20 saw it and you approved it.

21           It is a little bit of a different issue, so I  
22 think this extra language is superfluous. It confuses the  
23 issue, in my mind.

24           COMMISSIONER DANIELS: My only fear with that is  
25 if we do ultimately add regulations to these -- obviously

1 nobody knows if we will do that -- I don't want this to  
2 slip through the cracks.

3 Now, if y'all are telling me y'all aren't  
4 worried about it, I'm fine, but if we can clear this up  
5 now to prevent y'all's hard work getting thrown out of  
6 court in the future, that is what I want to do.

7 KEITH DAVIS: I do agree with what Mr. Marquez  
8 says. It is a little bit different from the gill net  
9 situation.

10 with this system, they have to come in and they  
11 have to be inspected and they have to receive the tags  
12 from --

13 COMMISSIONER DANIELS: (Interposing) Inspected?

14 RICK BURRIS: Hold on. The trout lines are not  
15 inspected. They are given a tag, based on how many lines  
16 they have and they put one on each end.

17 Right now, they are not inspected.

18 COMMISSIONER DANIELS: That is my concern with  
19 them being able to say, I got a tag. It's legal.

20 We are not inspecting them.

21 COMMISSIONER GUESS: But we --

22 COMMISSIONER DANIELS: (Interposing) I'm sorry,  
23 Natalie, but we are not inspecting them so we don't know  
24 if it is legal, but I don't want them to get to court and  
25 say that it is just because we give them a tag.



1           JOE JEWELL: There is a definition of trout  
2 line.

3           RICK BURRIS: Yes. Currently the way it is  
4 there is no -- the only definition of a trout line is that  
5 it has more than three hooks.

6           The way the current regulations are written, as  
7 long as it has more -- if it has more than three hooks, it  
8 is pretty open-ended, as long as they are tagged and  
9 tending the bottom.

10           If this recommendation is passed, then, they  
11 will have to be renewed annually.

12           If we ever were to get to the point to where we  
13 were to make a change and that they had to be of a  
14 specific length, or a specific number of hooks, or areas,  
15 or wherever, then, we could address that. The Commission  
16 could address that at that point in time, but the way it  
17 is written right now, there are no additional  
18 qualifications, other than anything more than three hooks  
19 has to be tagged.

20           JOE JEWELL: The Commission always has at hand  
21 to change the regulation. If we move forward with this  
22 regulation like this and we, or Marine Patrol, perceive  
23 that there is some issue that it is not addressing the  
24 intent of the Commission, you certainly can go back with a  
25 Notice of Intent and correct the issue.

1 I really feel like this is not the same issue  
2 that we had with the nets and that this is a mandatory  
3 requirement that under the current definition of a trout  
4 line, they have to have an annual tag put on the line.

5 COMMISSIONER DANIELS: Okay.

6 COMMISSIONER GUESS: And they have to complete  
7 the survey.

8 JOE JEWELL: Before they get the tags.

9 COMMISSIONER DANIELS: So do we want to leave it  
10 as is?

11 COMMISSIONER HAVARD: Yes.

12 COMMISSIONER DANIELS: All right. Let's take  
13 that one out and we will deal with it, if it comes up.

14 I would like to make a motion to approve the  
15 staff's recommendation.

16 Mr. Parker was raising his hand.

17 RICK BURRIS: It is the task force  
18 recommendation.

19 COMMISSIONER DANIELS: Task force. I'm sorry.

20 FRANK PARKER: Thank you. Frank Parker,  
21 commercial fishermen. I'm on the Gear Task Force.

22 That is the point that Mr. Jewell is making.  
23 These tags, I don't think we need them now. There is no  
24 specific amount of hooks, length, distance between hooks.

25 Now, if there is something in the future when we

1 get that and we have to change the regulatory part of it  
2 where there are X amount of hooks, if you get this tag  
3 and, say, in the future we are only allowed a hundred  
4 hooks, if you have a hundred and one hooks on your line,  
5 regardless of the tag, it is against the law and you are  
6 going to get a ticket.

7 That's what I was trying to say. I don't think  
8 we need that language right now.

9 COMMISSIONER DANIELS: Thank you.

10 RICK BURRIS: I would like to point out that Mr.  
11 Marquez is also on the task force, so he is heavily  
12 involved in this as well.

13 COMMISSIONER DANIELS: I make a motion to  
14 proceed with Gear Type Task Force recommendations on this  
15 issue.

16 COMMISSIONER GUESS: I'll second it.

17 COMMISSIONER HAVARD: I have a motion and a  
18 second.

19 All those in favor say aye.

20 (All in favor.)

21 COMMISSIONER HAVARD: All those opposed say nay.

22 (None opposed.)

23 COMMISSIONER HAVARD: Motion so moved.

24 COMMISSIONER BOSARGE: Rick, could you back up  
25 on your slide just a little bit?

1 I want to talk about some of the other issues we  
2 that we discussed in the Gear Task Force meeting.

3 RICK BURRIS: Yes, sir.

4 COMMISSIONER BOSARGE: Back up a little more.  
5 Right there.

6 We did discuss discard mortality, and I think  
7 that the group came up with some pretty good ideas I  
8 thought that we can look at and work on to try to see if  
9 we can't change a little bit of that for the better.

10 RICK BURRIS: Yes, we were tasked with coming  
11 back at the next meeting.

12 COMMISSIONER BOSARGE: Correct, and the other  
13 one, monofilament nets.

14 My constituency, my guys, they are upset about  
15 this and even me myself in that we are still using  
16 monofilament nets in the State of Mississippi

17 Monofilament was outlawed in 1996. Gill nets  
18 were not.

19 The commercial industry had to change and adapt,  
20 but the scientific folks have not and we have been issuing  
21 blanket permits since 1996.

22 It is kind of like that PC world we live in so  
23 to speak. It is like there are two sets of rules, one for  
24 the working class and one for the educated elite that one  
25 class doesn't get to use it, but the other class does.

1           COMMISSIONER HAVARD: One is for profit and one  
2 is not.

3           COMMISSIONER BOSARGE: One gets to use it and  
4 one does not get to use it.

5           I don't see a distinction. If there would have  
6 been a problem with it and they realized it was a problem,  
7 then, in 1996 it should have been brought before the  
8 Commission at that time.

9           I said it in the meeting, that these guys are  
10 highly educated. If there was anybody that could figure  
11 out a way to do their job without breaking the law and  
12 having to have an exemption every year, they should be  
13 able to do it, and I think we need to work towards that.

14           COMMISSIONER HAVARD: Mr. Bosarge, I hate to  
15 interrupt, but this is getting totally off base. Let's  
16 put this on the agenda next go round, if we want to talk  
17 about nets and different things.

18           COMMISSIONER BOSARGE: I'm sorry, Mark. No,  
19 it's not off base. It is on his presentation. I think it  
20 is something that we need to talk about, we need to  
21 discuss.

22           COMMISSIONER DANIELS: Did the task force make a  
23 recommendation on nets?

24           RICK BURRIS: What came out of the task force is  
25 that we decided we would confer with our legal counsel and

1 see the legalities, if we use those.

2 COMMISSIONER BOSARGE: They had the legal. She  
3 the opinion. We have the legal opinion. We have the  
4 legal authority to issue them a permit every year.

5 Is it morally right?

6 No. I mean, as much heck as was raised about  
7 monofilament gill nets and the use of monofilament gill  
8 nets in the State of Mississippi and every other state  
9 along the whole Gulf Coast, and we are still using  
10 monofilament gill nets.

11 Come on, now. Seriously. I would like to see  
12 any scientific permit that is brought before you, it has  
13 to be brought before this Commission. I want the public  
14 to know what is going on. They don't realize that there  
15 are still monofilament gill nets being used.

16 COMMISSIONER HAVARD: That would change the  
17 meeting times to about three days each month, if we want  
18 to review every --

19 COMMISSIONER BOSARGE: (Interposing) I don't  
20 think so.

21 You get what, maybe two a year?

22 RICK BURRIS: Two a year for -- are you talking  
23 about just for monofilament nets?

24 COMMISSIONER BOSARGE: That's correct.

25 RICK BURRIS: Approximately. Maybe three. Yes,

1 sir.

2 COMMISSIONER BOSARGE: Maybe take us ten  
3 minutes.

4 COMMISSIONER HAVARD: From each educational  
5 university, you only get two a year?

6 RICK BURRIS: Yes. Just off the top of my head,  
7 it is probably around three.

8 COMMISSIONER BOSARGE: Two, or three.

9 RICK BURRIS: Yes.

10 COMMISSIONER BOSARGE: Here again, what are we  
11 worried about seriously?

12 COMMISSIONER HAVARD: Well, that's my tax  
13 dollars at work.

14 COMMISSIONER BOSARGE: The recreational  
15 fishermen are the ones that really pushed to have  
16 monofilament outlawed.

17 Now you are not against monofilament?

18 COMMISSIONER HAVARD: Our tax dollars are paid  
19 for the school system to go do research, and I want them  
20 to be able to catch the fish in a timely fashion to get  
21 their research numbers done so, that way, they can move on  
22 to something else.

23 COMMISSIONER BOSARGE: I do, too.

24 COMMISSIONER HAVARD: The commercial world and  
25 the recreational world is something totally separate from

1 the educational world.

2 COMMISSIONER BOSARGE: Really?

3 COMMISSIONER HAVARD: I'm not going to argue on  
4 this.

5 COMMISSIONER BOSARGE: I would like to make a  
6 motion that any scientific permit that uses monofilament  
7 comes before this Commission.

8 COMMISSIONER HAVARD: All right. I have a  
9 motion on the floor.

10 Do I have a second?

11 (No response.)

12 COMMISSIONER HAVARD: I don't have a second for  
13 the motion, so the motion failed.

14 COMMISSIONER HAVARD: All right. So that moves  
15 us on to the next agenda item, K3.

16 Correct?

17 JOE JEWELL: That's correct.

18 COMMISSIONER HAVARD: I think Mr. Frank Parker  
19 wanted to talk on that, as soon as Trevor gets done with  
20 his presentation.

21 TREVOR MONCRIEF: Good morning Commissioners,  
22 Director, Ms. Chesnut.

23 we are talking about a commercial shark season  
24 here.

25 Specifically the staff was tasked with



1 evaluating the viability of a commercial shark fishery in  
2 Mississippi State territorial waters.

3 We were also asked specifically to work with  
4 GCRL and the Mississippi State Extension Center to  
5 determine the fisheries viability. As y'all know, they  
6 have worked with sharks for a long time in the research  
7 realm. They know a lot about these species.

8 On September 3<sup>rd</sup>, 2019, staff convened the  
9 Mississippi Shark Working Group, consisting of those  
10 colleagues from MDMR, GCRL and the Mississippi State  
11 Extension Center.

12 This presentation will relay the findings and  
13 the viable management options identified by that working  
14 group.

15 Some of the key findings. With the data that we  
16 had at hand, we found that Atlantic Sharpnose and Blacktip  
17 Sharks are two species caught in highest abundance in  
18 Mississippi waters.

19 Neither are considered overfished, or subject to  
20 overfishing, in their Atlantic Individual Species Stock  
21 Assessments, and our data supports the viability of a  
22 commercial fishery focused around these two species.

23 Some considerations for the Commission to note  
24 is that there is a fair amount of market variability with  
25 the shark fishery. It is currently a seasonal fishery

1 focused around the Lent Holiday in the spring, especially  
2 for our Louisiana neighbors.

3           Due to lower demand, sharks are often combined  
4 with other finfish species and shipped to Mexico. I think  
5 Louisiana ships them with Sheepshead because it is around  
6 the same time of year. That flow through to Mexico has  
7 been hindered a little bit in the past with some recent  
8 Texas regulations on shark fins and being recently forced  
9 last year to stop the flow of product through Texas, and  
10 there is currently, I think, a legal battle going on to  
11 try to get that flow going back through.

12           On the commercial sales side, it will be  
13 considered a State level fishery and will be permitted  
14 similar to all of our other State fisheries, such as  
15 Spotted Seatrout, Red Drum, or anything else.

16           Then, all catch associated with sharks that are  
17 currently under quota restrictions will need to be  
18 reported through HMS, and we will be able to do that  
19 through our trip ticket system that we have currently in  
20 place.

21           Some additional considerations, especially on  
22 the Blacktip side. When we look at the western Gulf of  
23 Mexico Blacktip, there is a considerable amount of quota  
24 that is not being harvested in this region.

25           I know it is kind of hard to see that number,

1 but it is five hundred ten thousand two hundred and sixty-  
2 one pounds dressed weight of sharks.

3 Up to this point this year only twenty-five  
4 percent of that quota has been harvested and they recently  
5 transferred some of that quota from the western GOM to the  
6 Eastern GOM so it could be harvested. This is largely due  
7 to not being able to ship those sharks, ship product  
8 through Texas into Mexico.

9 This is technically a sustainable fishery that  
10 is being under exploited, according to CEDAR 29.

11 Some management options. I am going to stick on  
12 this slide. We will have a lot to discuss about it. Keep  
13 in mind, when I am going through these options, this is  
14 meant to kind of identify a path to move forward to for  
15 next month, and that these numbers are not fixed numbers.  
16 They could be pushed up, or down, either way.

17 As always, the option will be status quo.

18 The next one will be to open a commercial  
19 fishery within the current recreational bag and size  
20 limits for our large Coastal and small Coastal Sharks.

21 The third option will be to open a larger scale  
22 fishery similar to our Louisiana neighbors. This would be  
23 around forty-five to fifty-five large Coastal Sharks per  
24 day. It would likely have to include a State-issued  
25 endorsement, and our anglers and dealers will be required

1 to report species specific catch through trip tickets so  
2 we can report that catch to HMS so they can monitor their  
3 quota.

4 That last option there is the Incidental Catch  
5 Fishery. That would be one, two, or three, sharks per  
6 vessel for all legal species.

7 One other thing to note here is that we really  
8 want this fishery to benefit our resident anglers here in  
9 Mississippi. We would like to see something around that  
10 same. The Commission can discuss this.

11 It might not be a larger scale forty-five to  
12 fifty-five sharks per day because that might not allow our  
13 individuals to be able to develop a local market and be  
14 able to get into this fishery a little bit better.

15 If we have something scaled down to start, and,  
16 then, we can move forward as the fishery progresses. We  
17 think that would be a pretty good path to take.

18 With that, we can have a discussion about this.

19 COMMISSIONER BOSARGE: I think Mr. Parker, you  
20 had something you wanted to say.

21 FRANK PARKER: Frank Parker, commercial  
22 fisherman.

23 First of all, I want to thank the Commission and  
24 the staff for doing this. I came before y'all a few  
25 months back and asked y'all about this very thing.

1           My first thought was I would like to see a  
2 larger scale, but, then, not talking to any of the fishery  
3 managers, or anything like that, just doing what I see out  
4 there every day. I thought maybe we could get some type  
5 of incidental take.

6           After talking with the managers, they think  
7 there is a pretty good fish we could have here.

8           With any new fishery, just like with the oyster  
9 aquaculture, it has really opened my eyes and my business  
10 end to direct marketing.

11           Just like these restaurants that want to sell  
12 our local aquaculture oysters, they want to sell our local  
13 seafood, too, and I think this could be very profitable.

14           It could be a niche market. I wouldn't like to  
15 see a very large scale fishery as far as going out there,  
16 catching four, five, or six, thousand pounds of sharks at  
17 a time and coming and getting nothing for them.

18           I think on a small scale, one or two fishermen  
19 in a boat, we could go catch three, four, five hundred  
20 pounds of shark a day. We could maintain our market. We  
21 could keep the market from being flooded.

22           All of these look good. I would prefer the open  
23 larger scale fisheries in Louisiana. Forty-five fish I  
24 think would be plenty enough.

25           Mr. Moncrief said we could go to twenty-five to

1 see how this market is going to take off and what we do.

2 I really feel like it is there. I think it is  
3 profitable. It could be another form of income for a few  
4 fishermen who want to partake in it.

5 Also, maybe some type of incidental catch  
6 because that was the one thing. You know, when we do  
7 incidentally catch these fish, it is not all the time, but  
8 sometimes we do. It would be nice to know that we could  
9 sell the fish.

10 That is really all I have to say.

11 Again, thank you for taking your time and  
12 consideration in this thing. I really think it will be  
13 very good for the State and for the commercial fishermen.

14 COMMISSIONER DANIELS: Mr. Parker, before you  
15 walk off, forty-five of these, what do you think the  
16 weight on that would be, if you came in with forty-five?

17 FRANK PARKER: Well, you are talking, I believe,  
18 it depends on what the size of the fish are.

19 COMMISSIONER DANIELS: Just shooting from the  
20 hip.

21 FRANK PARKER: Say, if you had twenty-five fish,  
22 and there would have to be regulations. You would not  
23 want the fins removed on the boat and the head cut off and  
24 gutted. We would have to look at some kind of weight like  
25 that.

1           Forty-five fish, if you are averaging, say,  
2 twenty pounds per fish, that is nine hundred pounds of  
3 fish.

4           I think it would be very profitable, if you are  
5 talking a dollar a pound, or a dollar fifty a pound. That  
6 is a good day's work for two guys in a small boat, low  
7 overhead.

8           What we don't want is a lot of these out-of-  
9 state guys to come in here and catch four, five, or six,  
10 thousand pounds of fish, catch the quota real quick and  
11 sell them on another market.

12           I think if we keep it local, keep it small at  
13 first -- even in Louisiana, they do have the forty-five  
14 fish limit over there. Well, certain times when the  
15 market demands it, the fishermen have gone before the  
16 Louisiana wildlife and they have actually doubled the  
17 limit and let them catch ninety fish, when the market  
18 demands the fish.

19           I think it is something we could all work  
20 together. I think it would be very beneficial.

21           COMMISSIONER DANIELS: You said you think  
22 twenty-five would be a good start for it, or forty-five?

23           I didn't hear you.

24           FRANK PARKER: I think twenty-five would be a  
25 good starting point. This is going to be a very small

1 market. I'm not sure how many fishermen are going to  
2 participate in it. I don't foresee hundreds of guys doing  
3 this. I don't think we have the market for that.

4 I think twenty-five fish would be a good start,  
5 but I would not want to make that cut in stone; that is  
6 exactly what it is going to be, but as soon as these  
7 biologists say, hey, look, we need -- we do need some type  
8 of quota on these sharks, too. We do not want to over  
9 fish them. That is not our goal in this.

10 I think we could work together and figure this  
11 out, but I think twenty-five will be a good number to  
12 start with.

13 COMMISSIONER HAVARD: From my understanding,  
14 Frank, we have lots of quota left over every year that  
15 does not get filled with these sharks.

16 FRANK PARKER: That is on the Federal level, and  
17 that is another thing I haven't seen anything yet.

18 I was born and raised fishing. I am pretty  
19 smart with fish, but, when it comes to sharks, sharks are  
20 very, very hard to ID. There are a lot of similarities  
21 and somebody who is not around them all the time.

22 I do see on the Federal level, they require  
23 identification training and things like that. I think  
24 that would be a good thing for us to do because sharks are  
25 so hard to ID for somebody who is not around them all the



1 time.

2 The two main species would be Blacktip and  
3 Sharpnose.

4 well, Blacktip and Spinner Sharks are very, very  
5 similar. So we need something like that, too. I would  
6 not be opposed to that.

7 I don't think we need the HMS permit with the  
8 Federal Government, unless me as a fisherman wants to go  
9 out in the Federal waters and catch these sharks. I think  
10 we just need a State permit, or a State license, or  
11 endorsement; however we do it.

12 COMMISSIONER HAVARD: I think if we get together  
13 with some of the shark experts that we have in the room  
14 and at our disposal and come up with a good plan and go  
15 make use of this quota that is out there for our  
16 availability and makes you feel good as a shrimper. These  
17 sharks are eating my nets and I can catch some of them and  
18 it adds me a little bit of money.

19 FRANK PARKER: That's right. I mean, it is just  
20 the way the world is leaning. People want to know where  
21 their food comes from and how it is caught, and is it  
22 sustainable, is it responsible.

23 Like I said, with this oyster aquaculture, it  
24 has really opened the avenue to a lot of local fishermen  
25 to retail their catch directly to some of these higher end

1 restaurants, and some of the chefs that I have spoken to,  
2 they are interested in it.

3 If we catch these sharks, would you be  
4 interested?

5 Oh, Yes. I have cooked shark before.

6 Let's see if we can make a market for it, and I  
7 think it would be something that would be good for the  
8 industry.

9 COMMISSIONER HAVARD: Sure.

10 COMMISSIONER BOSARGE: I've got a few  
11 suggestions. Thank you, Frank.

12 I will just read down through it. It is nothing  
13 that we have to adopt, but just some suggestions for a  
14 shark fishery.

15 To establish license, or endorsement, to allow  
16 commercial shark fishing in State territorial waters which  
17 that is going to have to happen, and that would be to  
18 track the number of fishery participants and to require a  
19 shark identification course before license, or permit, is  
20 issued.

21 Potential eligibility requirements. Must have  
22 valid commercial license. Must pass shark identification  
23 exam which is a Federal requirement. Must take Protect  
24 the Species Safe Handling workshop which is another  
25 Federal requirement.

1           Then, establish an open shark season to run  
2 concurrent with the Federal shark season in the Western  
3 Gulf of Mexico subregion.

4           The purpose of that would be to avoid law  
5 enforcement conflict with having an open State season  
6 while the Federal season is closed.

7           Require all shark landings to be deducted from  
8 the established Federal shark quotas.

9           If there was a motion to be made, that motion  
10 would be most likely amend Title 22, Part 7, Chapter 9, by  
11 adding Section 114 to read:

12           “Beginning January 1<sup>st</sup>, 2020, any individual,  
13 or vessel, commercially harvesting small  
14 Coastal, or large Coastal, sharks in  
15 Mississippi’s territorial waters must  
16 possess, or have on board, at least one  
17 person possessing a shark endorsement,  
18 ten dollars, in addition to a current  
19 applicable harvester license. In addition,  
20 all persons applying for a shark endorsement  
21 must present documentation of the successful  
22 completion of an NOAA approved shark  
23 identification exam and completion of an  
24 NOAA approved protected species safe handling  
25 workshop. At least one qualified person

1 holding a valid shark endorsement shall be  
2 onboard any vessel engaged in the commercial  
3 harvest of sharks. The open season for the  
4 commercial harvest of sharks shall run  
5 concurrent with Federal shark seasons of  
6 the western Gulf of Mexico subregion.”

7 Then, of course, we are going to have to set  
8 also some minimum size limits of commercial shark harvest  
9 similar to the recreational allowance and the purpose  
10 would be to allow the fishermen to harvest sharks in State  
11 waters similar to recreational anglers.

12 Small Coastal sharks, twenty-five inches total  
13 length. Large Coastal sharks, thirty-seven inches total  
14 length.

15 Of course, the motion would be, again, to amend  
16 Title 22, Part 7, Chapter 9, Section 100, to add  
17 Subsection 100.28 to read:

18 “Small Coastal sharks twenty-five inches  
19 total length.”

20 Add Subsection 100.29 to read:

21 “Large Coastal sharks thirty-seven  
22 inches total length.”

23 I think that would be a good starting point.

24 JOE JEWELL: I appreciate your thoroughness.

25 COMMISSIONER BOSARGE: Yes, sir.

1           JOE JEWELL: Our attorneys, I will let them  
2 weigh in.

3           The process on the table before you has been a  
4 protracted process because we had to evaluate the data and  
5 we had to get the data input. It has been a while.

6           The purpose today is to bring the  
7 recommendations before the Commission. It is not  
8 necessarily an option for a regulatory opinion.

9           If the Commission chooses for us to proceed  
10 forward, my understanding is that at the October meeting  
11 we would come forward with a Notice of Intent, and that  
12 certainly would include the elements that you have  
13 described.

14           I would actually request that you send that in  
15 an email to Trevor and Matt, so they could evaluate that  
16 inclusion in the Notice of Intent.

17           COMMISSIONER BOSARGE: How about I just give it  
18 to you?

19           JOE JEWELL: You can do that. Absolutely.

20           COMMISSIONER BOSARGE: Great.

21           JOE JEWELL: So in order for us to proceed, the  
22 Commission would have to vote on the staff coming forward  
23 at the October meeting with a Notice of Intent for a  
24 commercial shark fishery.

25           COMMISSIONER HAVARD: Real quick, Trevor. Do

1 you mind?

2 I think Dr. Marcus Drymon wants to speak on this  
3 just briefly and tell us a little bit more about what is  
4 going on.

5 MARCUS DRYMON: Good morning.

6 Marcus Drymon, Mississippi State University.

7 Briefly, I just want to support what Frank just  
8 said. I think this is a really well thought out proposal  
9 from the commercial industry, and having talked it over  
10 with other shark folks, Jill and the rest of the shark  
11 group, these are all very, very good ideas.

12 Just to follow up quickly on something Frank  
13 said, I think the development of a niche local market for  
14 this species is really critical and really key.

15 I would just say with respect to all the other  
16 Gulf state level managed fisheries, what they have  
17 proposed, what these Mississippi fishermen have proposed  
18 is really, really thoughtful, well laid out, in line with  
19 Federal regs.

20 I am in strong support of this and I know I  
21 speak for Jill as well. We would love to be involved in  
22 helping port sample some of this catch so we can monitor  
23 what the size and age distribution is, as well as help  
24 them develop local and niche markets for this product.  
25 That's it.

1 COMMISSIONER HAVARD: Very good.

2 Thank you Dr. Drymon.

3 Ms. Jill Hendon, would you like to speak on this  
4 briefly?

5 I'm not trying to put you on the spot. I just  
6 know you are another expert in the room.

7 JILL HENDON: Good morning.

8 Jill Hendon, the University of Southern  
9 Mississippi. I am the Director of the Center for  
10 Fisheries Research and Development.

11 As you know, we have been working with Fisheries  
12 at DMR, as well as Marcus Drymon, to put all this  
13 information together.

14 We all very much support this. We think it  
15 would be sustainable.

16 Any questions you may have, we would be happy to  
17 investigate further and look further.

18 I do agree with the identification problem, and  
19 I wanted to also bring to your attention that we had  
20 developed a Shark Guide for identification purposes right  
21 here in Mississippi waters that we have been working with  
22 DMR to get a publication on.

23 So that is something that we can put back out  
24 there to the fishermen who are wanting to participate in  
25 this endeavor.

1           We have also done many trainings for law  
2 enforcement with DMR that we could also do something a  
3 little more focused for the participants of this program,  
4 if need be.

5           The NOAA program as a whole tends to get a  
6 little bit more broad in their identification, where we  
7 could do something a little more focused at home that  
8 would help guide these fishermen who are wanting to  
9 participate in the program. Thank you.

10           COMMISSIONER HAVARD: Thank you very much for  
11 speaking spontaneously.

12           It appears that we have a fishery.

13           Do we want to get the staff to come back with  
14 some recommendations?

15           COMMISSIONER BOSARGE: Yes. I will make the  
16 motion for staff to propose regulations to establish a  
17 commercial shark fishery, and come back to the CMR at the  
18 October meeting with a proposed Notice of Intent.

19           COMMISSIONER HAVARD: I have a motion on the  
20 floor.

21           Do I have a second?

22           COMMISSIONER GUESS: I'll second it.

23           COMMISSIONER HAVARD: I have a motion and a  
24 second.

25           All those in favor say aye.



1 (All in favor.)

2 COMMISSIONER HAVARD: All those opposed say nay

3 (None opposed.)

4 COMMISSIONER HAVARD: Motion so moved.

5 TREVOR MONCRIEF: Just as a point of  
6 clarification for staff, we are moving forward with a  
7 large scale fishery. Our options will be tailored around  
8 that option.

9 JOE JEWELL: Next on the agenda for the  
10 Commission's consideration, Ms. Carly Somerset will give  
11 an update on the Charter-for-Hire App.

12 CARLY SOMERSET: Good morning Commissioners,  
13 Director Spraggins, Ms. Chestnut.

14 As Joe said, this presentation is an update on  
15 the Charter-for-Hire survey, specifically the testing  
16 phase that we just completed.

17 Trips and harvested species were reported by  
18 participating captains, during the data testing phase.

19 Fisheries and IT staff met with captions on  
20 April 10<sup>th</sup> to install the survey link on their phone and  
21 show them how to use the survey, the purpose of the  
22 testing.

23 Testing ended on August 18<sup>th</sup>. This period of  
24 time was used for allowing the captains to submit trips to  
25 the survey, get comfortable with using it, provide

1 feedback, any suggestions on ease of use, anything else  
2 they might have for consideration.

3 Some captains did make suggestions for  
4 modifications to the survey. I have those up here just as  
5 examples. No catch, or catch-and-release, options, and  
6 incorporation of a log book for the captains to keep track  
7 of their own trip information.

8 This is more background info on the testing  
9 phase. I want to point out here and in the following  
10 slides that the screen shots you see are indicative of the  
11 type of output that can be shown on some type of  
12 dashboard. They are provided as examples and not results  
13 as this was just a data testing phase.

14 The charter captains volunteered to test the  
15 survey, based on their availability and willingness to  
16 participate. They have the survey link installed on their  
17 phone, or they could submit on the computer.

18 There were captains from each of the three of  
19 the coastal counties that participated.

20 A total of seventy-seven trips were reported  
21 over the testing period, and a majority of the species  
22 harvested were Spotted Seatrout, followed by Red Drum and  
23 Sand Seatrout and, again, this just with the participating  
24 captains and the trips that they reported for testing  
25 purposes.

1           The majority of the trips left from Harrison  
2 County, followed by Jackson, and, then, Hancock County.

3           Approximately ninety-eight percent of Spotted  
4 Seatrout harvested by the participating captains who did  
5 report trips for Mississippi waters, and little less than  
6 two percent were harvested in Louisiana.

7           If you have any questions, I will be happy to  
8 answer them.

9           COMMISSIONER BOSARGE: Carly, how many captains  
10 did you have?

11           How many captains volunteered?

12           CARLY SOMERSET: We had twelve. We had  
13 thirteen, but unfortunately one had some medical issues.  
14 He was unable to participate.

15           COMMISSIONER BOSARGE: Out of the seventy-seven  
16 trips, how many of those actually reported, how many  
17 captains?

18           CARLY SOMERSET: There were several that  
19 reported. Over the period of time, there was one that  
20 consistently reported every single trip he took.

21           COMMISSIONER BOSARGE: That's good. That's what  
22 we need.

23           Do you think you have the kinks worked out of  
24 this system?

25           CARLY SOMERSET: I think it will be beneficial

1 to have, if this were to continue, some more feedback.  
2 There are some changes that could be made to make it  
3 better.

4 COMMISSIONER BOSARGE: Tweak it as we go?  
5 I mean, you know, we have trip tickets,  
6 everybody, crab, shrimp, fish, oysters. Recreational  
7 fishermen Tails n' Scales.

8 Even now with the trout line, we are going to do  
9 basically surveys for those.

10 So, yes, this is kind of our one missing link to  
11 gather data for management decisions. I'm glad to see  
12 that we are maybe past the testing stage and can move  
13 forward with an implementation of a reporting system.

14 CARLY SOMERSET: I will say Brian's team worked  
15 with us to develop this. It was through Survey One, Two,  
16 Three. It is not the only method, and I think there are  
17 still some, if it were to go forward, modifications and  
18 some other things to think about, as far as reporting  
19 trips.

20 COMMISSIONER BOSARGE: Well, I see it definitely  
21 needs to go forward.

22 I guess it is up to the consensus of the board.  
23 Commissioner Daniels, weren't you involved in  
24 this?

25 I think you were the one that actually brought

1 it to our attention.

2 Correct?

3 COMMISSIONER DANIELS: Yes. I was a little  
4 curious.

5 First of all, the general consensus I got from  
6 the large majority of the charter community is that we  
7 would all be in favor of it. Better data is better for  
8 everybody.

9 CARLY SOMERSET: Right.

10 COMMISSIONER DANIELS: One thing I am curious to  
11 find out about, we had originally talked about this being  
12 more of a large scale, possibly even to include  
13 recreational fishermen.

14 Have y'all made any determinations on the  
15 viability of that, based off of this?

16 CARLY SOMERSET: This was specifically for  
17 charter-for-hire, and I would say that this worked well  
18 and it was small scale, twelve participating captains. I  
19 think it would need to be expanded and including  
20 recreational would be a much different question that would  
21 have a large impact on how anything was formed, the type  
22 of survey. There are a lot of different factors that  
23 would have to go into that.

24 we really appreciate the charter captains  
25 volunteering to test this.

1           COMMISSIONER DANIELS: So what would be our next  
2 step on this?

3           Can we do a larger test for this?

4           JOE JEWELL: I kind of wanted to let Carly go to  
5 see how she handled that question because this Commission  
6 has addressed that. It has actually come up at several  
7 different times.

8           The uniqueness of the Tails n' Scales app, the  
9 way it is designed is that there is a limited universe of  
10 people participating in it and we have one fishery  
11 essentially. We can turn on other ones, but it is the  
12 Federal fisheries and limited entry and we can manage that  
13 system really, really well.

14           The charter-for-hire mirrors that. It is a very  
15 small community that can be very focused and very targeted  
16 that we can manage, and we know a lot of things about the  
17 charter boat industry, the entrance and how they fish and  
18 where they fish.

19           I'm just going to say these same things again  
20 that we have discussed this before. If you have a  
21 potential universe that is eighty, or eighty-two, thousand  
22 people and at any given point all, or none, could  
23 participate and there is very little control over that and  
24 the law enforcement. There has got to be an enforcement  
25 component of it also to get to specificity of the actual

1 validation of the harvest.

2 That is where we start getting into all these  
3 areas that it is very difficult for us to address.

4 We certainly have the ability, if this agency  
5 wants to invest that type of money. We have discussed a  
6 pretty large figure, probably a little bit more than that  
7 to develop that app and implement it, but we don't have  
8 the ability -- the recreational fishery can fish  
9 essentially from anywhere. There is no place literally  
10 that they cannot fish from, targeted areas, and on any  
11 given summer day, pretty much all those areas are being  
12 exploited at some point.

13 There is not the ability for the staff, or for  
14 Marine Patrol, to interact with that large variability to  
15 give you reasonable numbers that would be accurate.

16 Is that a good way to say that?

17 COMMISSIONER DANIELS: I mean, I think if we--

18 JOE JEWELL: (Interposing) But it is doable.

19 If this agency wants to invest that type of  
20 money into that app and new staff and Marine Patrol, it is  
21 absolutely doable. It is just depending on how much are  
22 we going to invest.

23 COMMISSIONER DANIELS: I think there is the  
24 ability to present this as something that is not  
25 derogatory.

1           I mean, there are hundreds of fishing apps out  
2 there that people pay to participate in.

3           If you presented this as something good and  
4 maybe even set about this somehow, have a drawing at the  
5 end of the year for people that have participated in this.  
6 Promote it in a positive light like I think a lot of the  
7 people that understand the value of it see it as, I think  
8 you could get a lot of volunteers for participation.

9           I don't know how that equates into -- I have got  
10 to think that more data is better no matter how it comes  
11 in, but I don't know what y'all could do with all of that.

12           JOE JEWELL: Now, if it is a voluntary program,  
13 that is different. That is totally different from a  
14 mandatory program.

15           Like I said, the issue for us, the scientific  
16 staff of the Department of Marine Resources providing  
17 information, or data, that is accurate and reflective of  
18 the industry, right now we don't have the ability to do  
19 that. It would take a major funding stream to do that,  
20 but it is possible.

21           COMMISSIONER DANIELS: There has been a lot of  
22 talk about the surveys that they are doing. I know that  
23 y'all put a lot of work into it, but it's just constantly  
24 people telling me that they don't get contacted, or they  
25 haven't been contacted.



1           I just think, even on a voluntary basis, you  
2 would get more information out of this than what  
3 apparently we are currently getting out of the surveys.

4           PAUL MICKLE: Just real quick. This is to try  
5 to help.

6           I think in the beginning of a process like this,  
7 we have had a data testing going on. I think it has been  
8 successful. I think it is presented very well.

9           To do a program, I think the Commission really  
10 needs to focus on what they want this to be. If they want  
11 it to be used for a management tool for stock assessments,  
12 or a directionality qualitative data system that gives  
13 some directionality of where a fishery is going that can  
14 maybe be calibrated toward an existing landing system,  
15 such as MRIP which is voluntary and not mandatory, the  
16 Federal landings program.

17           All these questions I think will help lead y'all  
18 in what you want this to be and provide better directives  
19 for this agency to move forward with.

20           A mandatory stock assessment capable data stream  
21 is a leaps of magnitude different from voluntary, just on  
22 logistics costs and all of these things.

23           I just wanted to add that. I think it may help  
24 if we decide what the State wants to use this potential  
25 tool for.

1           COMMISSIONER DANIELS: Sounds great. I think it  
2 would take a little time to think about that and decide  
3 what the next step is in this.

4           COMMISSIONER BOSARGE: I guess we have kind of  
5 gotten off the beaten path. I know Joe is poking at me  
6 about the recreational reporting system.

7           You and I have had that conversation several  
8 times prior, and you made it pretty clear that that is a  
9 large universe of participants and it would take a lot of  
10 effort to make that happen.

11           Right now, we are talking about a State Charter-  
12 for-Hire reporting system, and I would like to see us move  
13 forward with that. That is one more piece of the pie for  
14 the data that we need.

15           with that, I would like to make a motion that we  
16 have the staff come back at the next meeting with a --

17           JOE JEWELL: (Interposing) If the motion is for  
18 us to proceed, we need to come forward with the Notice of  
19 Intent at the October meeting for regulatory changes to  
20 implement the Charter-for-Hire app.

21           KEITH DAVIS: Mr. Bosarge, I think enforcement  
22 should be a part of those conversations as well because I  
23 can see some issues with this moving forward, in terms of  
24 disrupting trips, so forth and so on.

25           COMMISSIONER BOSARGE: You are talking about the

1 recreational?

2 KEITH DAVIS: No, sir.

3 If we are going to be bringing back  
4 recommendations for Charter-for-Hire, just from an  
5 enforcement standpoint, we are very careful at how we give  
6 visitors to our state a perception of what we are doing,  
7 in terms of they pay for -- Ronnie, I don't know how  
8 charter-for-hire works, but if I pay for an eight-hour  
9 trip and I am stopped during my trip --

10 COMMISSIONER BOSARGE: (Interposing) I don't  
11 think anybody is talking about stopping anybody. This is  
12 just an app.

13 KEITH DAVIS: well, if we are going to run the  
14 system as we run Tails n' Scales, officers have got to  
15 verify that the charter boats have filed their  
16 registration numbers.

17 COMMISSIONER BOSARGE: This is not Tails n'  
18 Scales. This is more like trip tickets. This is a  
19 mandatory reporting system.

20 KEITH DAVIS: We are not saying they are going  
21 to have to register for a trip number?

22 COMMISSIONER DANIELS: No. Reporting after the  
23 fact.

24 KEITH DAVIS: Forgive me. I am completely lost.

25 COMMISSIONER DANIELS: First, I would like to

1 say that I have full confidence in our enforcement  
2 officers being professional in the way that they do it.  
3 They have shown us nothing other than that.

4 Reporting after that fact, I don't think that is  
5 a problem.

6 Moving forward with it this quick, the only  
7 concerns I have is as Carly said, there is some more  
8 tweaking that needs to be done to it.

9 I mean, are we at a fully functional ready-to-  
10 launch product here?

11 CARLY SOMERSET: That also depends on how you  
12 want reporting to be done and what type of trip  
13 information you would like to see.

14 Within Survey One, Two, Three, there are several  
15 things that be done, but that depends what we are looking  
16 for.

17 As Paul and Joe said, management purposes, or do  
18 you want this to be mandatory, or voluntary?

19 We can come back at the next meeting with  
20 options of different ways to report, unless you feel that  
21 there is a need to make it one way, or the other.

22 COMMISSIONER DANIELS: Commissioner Bosarge, if  
23 you would be okay with that, I would like to change that  
24 to have them to come back with recommendations on how this  
25 would be implemented.

1 I am not at all opposed to moving forward with  
2 it. I just want to make sure that we've got it right  
3 before we do.

4 CARLY SOMERSET: Understood.

5 COMMISSIONER DANIELS: Will that be okay with  
6 you?

7 COMMISSIONER BOSARGE: That is fine with me. I  
8 think the staff is really the ones that need to figure out  
9 what we need.

10 In other words, you guys have done every other  
11 system up to this point and you know the information we  
12 need to collect.

13 JOE JEWELL: We have the ability to make  
14 recommendations to implement a program, app and those  
15 types of things, but the real guidance of what the intent  
16 of the Commission is has to come from the Commission

17 Now, as I recall -- correct me if I'm wrong --  
18 the initial discussion about developing an app was simply  
19 to document what the charter-for-hire landings are, what  
20 the values are. That could be used for several different  
21 purposes; certainly for management purposes, but also for  
22 potential compensation money for when the industry has to  
23 take on an issue like Bonnet Carre Spillway and how does  
24 the charter-for-hire group document that. A good way to  
25 do that would be through participation in this app.

1           That was sort of the discussion we had. We  
2 discussed some other options and issues, but the actual  
3 focus of the app and the focus of the program has to be  
4 directed by the Commission for us to do.

5           Once y'all do that, we will come back and make  
6 recommendations to y'all on how y'all could achieve it,  
7 what tools and issues that would need to be addressed in  
8 that.

9           I think that is a good motion to come back next  
10 meeting and us provide y'all with that, and, at that  
11 point, then, you would ask for a Notice of Intent.

12           COMMISSIONER DANIELS: In this motion here that  
13 is what I would like to ask for is y'all show us what is  
14 possible and how it can be used, and we will make the  
15 decision on how to move forward with it then.

16           JOE JEWELL: We can do that. There are several  
17 potentials. There is management, regulatory. There are  
18 things that we can put in the recommendation for the  
19 Commission to focus on.

20           COMMISSIONER DANIELS: I would like to make a  
21 motion for staff to come back to the October CMR meeting  
22 with recommendations regarding a charter-for-hire  
23 reporting program.

24           COMMISSIONER BOSARGE: All right. I will pull  
25 my motion.

1 COMMISSIONER HAVARD: Do we have two motions?

2 COMMISSIONER BOSARGE: No. I will just pull my  
3 motion and let Commissioner Daniels make his motion.

4 COMMISSIONER HAVARD: I have a motion on the  
5 table.

6 Do I have a second for his motion?

7 COMMISSIONER BOSARGE: I will second his motion.

8 COMMISSIONER HAVARD: I have a motion and a  
9 second.

10 All those in favor say aye.

11 (All in favor.)

12 COMMISSIONER HAVARD: Opposed nay.

13 (None opposed.)

14 COMMISSIONER HAVARD: Motion moved.

15 MATT HILL: Commissioner Daniels, can I get a  
16 little clarification?

17 when we are talking about the charter-for-hire,  
18 are we just going to focus on the State charter-for-hire  
19 with all of the Federal charter-for-hire logbooks onboard?

20 Do we want to include everybody in this, or do  
21 we want to break this down into two groups?

22 COMMISSIONER DANIELS: Again, I would like to  
23 see from y'all; one, what the recommendation is; two, what  
24 the implications are; three, what the benefit would be for  
25 each user group.

1 MATT HILL: Okay.

2 COMMISSIONER BOSARGE: Those Federal, aren't  
3 they dual permitted, State license and Federally  
4 permitted, almost a dual?

5 MATT HILL: Yes, they are, and we do require  
6 them to currently participate in Tails n' Scales Program  
7 and they also have to participate in another. It won't be  
8 anything new to them. I am just saying there will be some  
9 dual programs.

10 COMMISSIONER BOSARGE: Do you have any charter  
11 boat fishermen that are Federal only and don't have a  
12 State license?

13 MATT HILL: No, sir, we do not.

14 COMMISSIONER BOSARGE: So it would be the same  
15 group?

16 MATT HILL: Yes, sir.

17 COMMISSIONER HAVARD: That brings us to Mr. Matt  
18 Hill. Last, but not least.

19 MATT HILL: The last item for Fisheries today is  
20 State Saltwater Finfish Records.

21 Our first record is a Conventional Tackle  
22 record. It is a Bonnethead Shark.

23 The old record is thirteen pounds eight point  
24 six four ounces. The new record is fifteen pounds two  
25 point four ounces.



1           The angler is Mr. Tucker House. Here is a  
2 picture of the Bonnethead. Here is a picture of Mr. House  
3 holding the Bonnethead.

4           Our next is the new All Tackle Division. The  
5 method of take was spear for this. It is a Red Lionfish.

6           The old record is one pound eleven point four  
7 ounces caught on hook-and-line. The new record will be  
8 one point thirteen point four four ounces, with the method  
9 of take spear.

10          The angler is Mr. Shawn Cook. Here is a picture  
11 of the Lionfish and here is a picture of Mr. Cook holding  
12 the Lionfish.

13          what will be required is a motion to adopt the  
14 new State records presented.

15          COMMISSIONER HAVARD: At this time, I will make  
16 a motion that we adopt the new State records presented.

17          COMMISSIONER GOLLOTT: I will second it.

18          COMMISSIONER HAVARD: I have a motion and a  
19 second.

20          All those in favor say aye.

21          (All in favor.)

22          COMMISSIONER HAVARD: Opposed nay.

23          (None opposed.)

24          COMMISSIONER HAVARD: Motion moves.

25          MATT HILL: Thank you.

1           COMMISSIONER HAVARD: That brings us to L, other  
2 business.

3           Do we have any other business we need to discuss  
4 today?

5           (No response.)

6           COMMISSIONER HAVARD: I have one public comment  
7 here.

8           JOHNNY MARQUEZ: Thank you, Commissioners.

9           Sorry to be bringing up a comment at the very  
10 end of the meeting here. I should have made this earlier,  
11 but I just wanted to make two quick comments about the  
12 penalty matrix.

13           I didn't have a chance to really absorb what was  
14 going on up there rather quickly, but two items.

15           When this came up, this was in the context of  
16 giving the department the ability to revoke an  
17 endorsement, and I wanted to make sure that whatever comes  
18 out of this that we don't lose sight of -- you know, we  
19 repealed that rule making at the urging of the Mississippi  
20 Commercial Fisheries United because it was sort of vague  
21 and they wanted to set out the specific items for a  
22 penalty.

23           I want to make sure that whatever comes out of  
24 this gives the Department the tools that it has and some  
25 teeth to enforce these regulations because I think it was

1 originally that goal.

2 The other thing is that I hope we could focus  
3 not just on the quantity of penalties, but the nature of  
4 the penalty.

5 Some of these penalty matrix seem to come up and  
6 it's first violation, and, then, a second violation, and  
7 there is a vast difference in the type of a violation in  
8 my mind.

9 If you have a recreational fisherman and he's  
10 got sixteen trout instead of fifteen, well, that is one  
11 violation.

12 If you've got a recreational fisherman that is  
13 catching Red Snapper out of season in January, well, he is  
14 just an outlaw.

15 It is the same thing on the commercial side.

16 If you have somebody that is using illegal gear,  
17 out of season, whatever, it is a different type of  
18 penalty.

19 If they are just being an outlaw, they should be  
20 treated like that. That is a difference.

21 I hope we can get away from the five strikes and  
22 you are out type of analysis, and have some more severe  
23 penalties for the guys that really deserve them. Thank  
24 you.

25 COMMISSIONER HAVARD: Thank you.

1 Do we have any other public comments at this  
2 time?

3 (No response.)

4 COMMISSIONER HAVARD: Can I get a motion to  
5 adjourn?

6 COMMISSIONER DANIELS: I'll make that motion.

7 COMMISSIONER GOLLOTT: I'll second it.

8 COMMISSIONER HAVARD: All those in favor say  
9 aye.

10 (All in favor.)

11 COMMISSIONER HAVARD: So moved. Meeting  
12 adjourned.

13 (Whereupon, at 12:20 o'clock, p.m., the  
14 September 17, 2019, meeting of the Commission on Marine  
15 Resources was concluded.)

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CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the September 17, 2019, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

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