

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, November 19, 2019
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

Mark Havard, Chairman

Ronald Daniels, Vice Chairman

Steve Bosarge

Richard Gollott
(Arrived late, before Keith Ladner request.)

Natalie Guess

Also Present:

Joe Spraggins, Executive Director DMR
Sandy Chesnut, Esq., Assistant Attorney General

1 COMMISSIONER HAVARD: I would like call the
2 meeting to order of the Commission on Marine Resources,
3 November 19th, 2019.

4 I will start off by asking Mr. Joe Jewell if he
5 would lead us in the Pledge of Allegiance.

6 (Pledge of Allegiance was recited.)

7 COMMISSIONER HAVARD: Next up on the agenda we
8 would like to take a moment of silence to think about what
9 is going on in today's world.

10 (Moment of silence observed.)

11 COMMISSIONER HAVARD: Thank you guys for that.
12 Next up, can we get approval of the minutes for
13 October 15, 2019?

14 Can I get a motion for the approval of the
15 minutes?

16 COMMISSIONER GUESS: I'll make the motion.

17 COMMISSIONER DANIELS: I'll second that.

18 COMMISSIONER HAVARD: We've got a motion and a
19 second.

20 All those in favor say aye.

21 (Commissioner Bosarge, Commissioner Daniels,
22 Commissioner Guess, Commissioner Daniels in
23 favor.)

24 COMMISSIONER HAVARD: All those opposed?

25 (None opposed.)

1 COMMISSIONER HAVARD: Motion so moves.
2 Now, for the approval of the agenda today.
3 Do we have any changes, or would we like to
4 leave it the way it is?

5 Can I get a motion for the approval of the
6 agenda for today?

7 COMMISSIONER BOSARGE: So moved, Mr. Chairman.

8 COMMISSIONER HAVARD: I've got a motion.
9 Can I get a second?

10 COMMISSIONER DANIELS: I'll second that.

11 COMMISSIONER HAVARD: I've got a motion and a
12 second.

13 All those in favor say aye.

14 (Commissioner Bosarge, Commissioner Daniels,
15 Commissioner Guess, Commissioner Havard in
16 favor.)

17 COMMISSIONER HAVARD: Opposed?

18 (None opposed.)

19 COMMISSIONER HAVARD: Motion moves.

20 Now for the Executive Director's report, General
21 Spraggins.

22 JOE SPRAGGINS: Thank you very much sir.

23 We've got a couple of things on there.

24 If you have public comment, I would like for you
25 to please make sure that you get in touch with T.J. in the

1 back. Please let him know that you have that and bring
2 the form up so we can have that and give it to the
3 Chairman.

4 I just want to give you an update on some things
5 that have happened. I attended a meeting last week in
6 Baton Rouge and it was with the CPRA and NOAA, Big River
7 Commission and the Corps of Engineers and Department of
8 Marine Resources and also IMMS was there.

9 We had a good meeting. We talked about what is
10 going on with the Bonnet Carre and what is happening with
11 the Bonnet Carre and what we need to do in the future.

12 I know we are working on a project, a situation
13 now to where we can get them all to Mississippi. I want
14 to bring them over here and I want to bring our
15 legislators and as far as their staff and congressmen and
16 senators in the state and also from Louisiana together,
17 and let's sit down and decide what we can do.

18 We are too much -- right now we are worried
19 about a situation, what we are going to do about the mid
20 river conversion. We need to be more worried about now,
21 what we are going to do in January when we have another
22 flood.

23 I am not asking to take the mid river conversion
24 off the radar. That is not at all what I am asking, but I
25 think that we need to put our emphasis right now one

1 hundred percent as much as possible to find a way that we
2 can divert some of this water that is coming down the
3 Mississippi again when we have another flood.

4 If you look at the snowfall and the things that
5 are happening in the north right now, you can already see
6 that it is probably going to be projected a flood season
7 again.

8 we need to look at that very hard and hopefully
9 we will be able to do that sometime in December and
10 definitely we will keep y'all in touch with it so you can
11 come to it if you would like to.

12 we met with other agencies, too, about it and I
13 tell you there are about nine hundred different reasons
14 why we need to do something, and I would just like to put
15 them all together and make one. That is what we are
16 working on now.

17 If you look in your packet, you received a
18 GOMESA audit. I don't know if you had a chance to look at
19 it, but I just wanted to let you know.

20 when we asked the State to audit GOMESA, they
21 said, well, they couldn't because there wasn't enough
22 money spent at this time.

23 I talked with the governor about it and I said,
24 you know what I would like that because I want to have an
25 audit.

1 So we did an audit. We hired an audit agency
2 that went in and did an audit, and it came back and
3 everything is fine. We are spending the money correctly.
4 We are doing everything in our power to make sure that
5 happens.

6 I just wanted to let you know that we do have
7 that.

8 If y'all have any questions, we will be glad to
9 answer them.

10 COMMISSIONER HAVARD: It is always a good idea
11 to have an audit. It keeps everybody in check.

12 JOE SPRAGGINS: I may be one of the few people
13 in the world that begs for an audit.

14 DMR, we also have an observance for
15 Thanksgiving. It is going to be the 28th and 29th. The
16 office will be closed during those days. Also, we will be
17 closed for Christmas the 24th and the 25th. We will also be
18 closed on the 1st of January only.

19 We also have the legislative forum. It is going
20 to be on the 6th of December at 8:00 a.m. here, and we
21 would love to have y'all here if possible. We will go
22 over with the legislators what we are going to do for the
23 next year and what we are asking for and what we are
24 looking at.

25 We have a minutes change approval, if you can.

1 We would like to ask for a motion to revise the minutes
2 for Tuesday, November 27, 2018. On page one thirty-nine
3 of the minutes the record reflected that Eric Broussard
4 speaking and it needs to be changed to Matt Hill as the
5 speaker for that point.

6 So I would ask if you would entertain a motion
7 to change those minutes.

8 COMMISSIONER HAVARD: I would like to make a
9 motion that we change the minutes as discussed.

10 COMMISSIONER BOSARGE: And I'll second your
11 motion.

12 COMMISSIONER HAVARD: I've got a motion and a
13 second.

14 All those in favor say aye.

15 (Commissioner Bosarge, Commissioner Daniels,
16 Commissioner Guess, Commissioner Havard in
17 favor.)

18 COMMISSIONER HAVARD: Opposed?

19 (None opposed.)

20 COMMISSIONER HAVARD: Motion so moves.

21 JOE SPRAGGINS: Real quick we will go over
22 employment updates.

23 We have Michael Brochard. He is at the NERR, a
24 new employee.

25 In our contracts, if you will look at it, we

1 have one for Marine Fisheries, an off-bottom aquaculture
2 contract worker, and that is paid for a hundred percent by
3 another special fund, and I think those are the only ones
4 that we have on it.

5 I will entertain any questions, if you have any,
6 sir.

7 COMMISSIONER DANIELS: I think we're good.

8 COMMISSIONER HAVARD: I think we are good at
9 this time, General, unless the other Commissioners have
10 any questions about that.

11 (No response.)

12 JOE SPRAGGINS: Thank you.

13 COMMISSIONER HAVARD: Thank you for that report.

14 Next up is Commissioners report -- I'm sorry.
15 We have two on the Executive Director's Report.

16 JOE SPRAGGINS: I'm sorry. I missed something.

17 Sandy, you are right. We do have Title 22, Part
18 20, Administrative Penalty Procedures, Chapter 21,
19 Paragraphs 104 and 105, Work Session Report. Let me see
20 if I can pull it up real quick.

21 On October the 28th, 2019, the Commission
22 conducted a work session to discuss the proposed language
23 that was presented at the September 17, 2019, Commission
24 meeting.

25 A motion was made at the work session to take

1 the proposed language establishing a penalty matrix for
2 administrative actions out for Notice of Intent.

3 The proposed language:

4 "Suspension, or revocation, of license
5 for regulatory program requirements such
6 as, but not limited to, endorsements,
7 tags, permits, or similar provisions,
8 may be commenced in addition to seeking
9 administrative penalties.

10 "The Commission may suspend, or revoke,
11 regulatory program requirements
12 established by the Commission such as,
13 but not limited to endorsements, tags,
14 permits, or similar provisions, for
15 violations related to that particular
16 program.

17 "For first offenses, a suspension for
18 up to three months.

19 "For second offenses, a suspension for
20 up to six months.

21 "For third offenses, a suspension of
22 up to one year.

23 "For fourth and subsequent offenses,
24 a suspension for up to two years, or
25 revocation.

1 "Suspensions shall be scheduled for
2 a time period coinciding with the
3 particular fishing season in which
4 the offense is related.

5 "If the violation is deemed to be so
6 egregious as to warrant a suspension
7 outside of the penalty matrix, the
8 Commission, by a unanimous vote, may
9 impose a suspension outside of the
10 above matrix by skipping to the next
11 level.

12 "For example, if it is the first
13 offense that is deemed to be so
14 egregious as to warrant a suspension
15 outside of the penalty matrix stated
16 above, the Commission, by unanimous
17 vote, may impose a suspension for up
18 to six months as allowed under the
19 second offense tier.

20 "In the event that a violator does
21 not pay the administrative penalty
22 assessed by the Commission in full
23 within twenty-four months, the
24 Commission may, by a majority vote,
25 indefinitely suspend the endorsement,

1 tag, permit, or similar regulatory
2 program requirement, related to the
3 violation, until such time as the
4 penalty is paid in full.”

5 If you could, we need a motion for the staff to
6 take the proposed language establishing a penalty matrix
7 for administrative actions out for Notice of Intent.

8 COMMISSIONER GUESS: I'll make the motion for
9 staff to take the proposed language establishing a penalty
10 matrix for administrative actions out for Notice of
11 Intent.

12 COMMISSIONER HAVARD: I have a motion.
13 Do I have a second?

14 COMMISSIONER DANIELS: I'll second that.

15 COMMISSIONER HAVARD: I have a motion and a
16 second.

17 All those in favor say aye.

18 (Commissioner Daniels, Commissioner
19 Guess, Commissioner Havard in favor.)

20 COMMISSIONER HAVARD: All those opposed like
21 sign.

22 (Commissioner Bosarge opposed.)

23 COMMISSIONER HAVARD: Motion so moves.

24 JOE SPRAGGINS: Sandy, was there anything else
25 on this?

1 SANDY CHESNUT: No, sir.

2 JOE SPRAGGINS: Thank you.

3 Sorry about that. I left it out.

4 COMMISSIONER HAVARD: Now let's move on to the
5 Commissioners Report.

6 Do any of the Commissioners have anything they
7 would like to report?

8 (No response.)

9 COMMISSIONER HAVARD: That moves us on to Office
10 of Marine Patrol, Chief Keith Davis.

11 KEITH DAVIS: Good morning.

12 The report for last month, I would like to
13 direct you to page two and point out a couple of cases
14 that were made.

15 Apparently there are individuals who are not
16 aware that the Red Snapper season is closed. There were a
17 couple of cases made in the State waters for possession of
18 Red Snapper in a closed season.

19 Officers issued citations for no commercial
20 seafood dealer's license to several seafood locations.

21 If you look under "Fishing Violations Citations"
22 several citations were issued for possession of undersized
23 speckled trout.

24 Those are a few things that stuck out to me in
25 the report that I figured needed to be pointed out this

1 morning to you.

2 Other than that, are there any other questions?

3 COMMISSIONER HAVARD: I don't think so. You
4 guys just keep doing good work. The law is fifteen inches
5 on speckled trout. That's just where it is right now.

6 KEITH DAVIS: Yes, sir. We just want to remind
7 the public of that very thing, that our officers are out
8 there looking for that. It is not about writing
9 citations, but it is about protecting the fishery.

10 we have some recreational guys that just don't
11 seem to understand that, and we are also still seeing
12 recreational fish sold to seafood shops.

13 we will be introducing, or attempting to
14 introduce legislation to change, or request the
15 legislature to provide unmarked vehicles so we can get
16 closer to fishing piers. We are very actively seeking
17 legislative assistance on helping us curtail some of this
18 recreationally caught and sold seafood.

19 If you could give us some support on that with
20 your legislators, we would appreciate it.

21 COMMISSIONER DANIELS: Chief, does it seem to be
22 that people just don't know on these size limits?

23 KEITH DAVIS: My personal opinion, I think they
24 do know and they are able to get away with it because they
25 can see us before we can get close enough to them.

1 We are taking some strategies to do some covert
2 things like walking up and hiding in the woods and doing
3 some different things, but we really need to be able to
4 get closer quicker before they are able to throw the fish
5 back.

6 COMMISSIONER BOSARGE: Chief, I just want to say
7 I had the pleasure of getting checked by one of your guys
8 the other day, and I said "checked". We were out. The
9 family and the grandkids took the boat over to eat and, on
10 the way out, one of your guys checked us and he gave us
11 these which I still have. It is free ice cream from
12 McDonald's. It was really nice of him. He did a good
13 job.

14 KEITH DAVIS: Thank you.

15 I appreciate you pointing that out. We do have
16 that program. We partnered with McDonald's many, many
17 years ago. I don't have anything to do with it.

18 When the officers do see children wearing their
19 life preservers, they do receive an ice cream card.

20 It is not always that we are coming up to be
21 enforcement officers. If we see kids taking safe boating
22 measures, we reward them with that ice cream cone from
23 McDonald's. It has been a really good successful program.

24 COMMISSIONER BOSARGE: I think he was concerned
25 at first because all the kids, they had their life jackets

1 on. By that time in the evening, it started getting cool,
2 so they all had their sweaters and their jackets on over
3 their life jackets, but, once he got there, he realized
4 that everybody had what they needed.

5 For me, it was a nice change from what we
6 experience usually, not so much with Marine Patrol, but
7 the boarding on the commercial end. They come aboard and
8 they want to go through everything.

9 Anyway, it was nice. He just looked things over
10 and really talked to the grandkids more than he did
11 anything else. He did an excellent job.

12 KEITH DAVIS: I appreciate that. We often get
13 complaints. So it is always nice to hear those
14 compliments. So thank you.

15 COMMISSIONER HAVARD: Thank you, Chief, on that.

16 Next up is Office of Coastal Resources
17 Management, Mr. Jan Boyd.

18 JAN BOYD: Good morning Mr. Chairman,
19 Commissioners, Director Spraggins, legal.

20 we have three action items for your
21 consideration this morning, and Greg Christodoulou will be
22 presenting the first one.

23 GREG CHRISTODOULOU: Good morning everyone.

24 My name is Greg Christodoulou. I will be
25 presenting the first item for Coastal this morning.

1 This is a permit extension request by V.T.
2 Halter Marine located on Bayou Casotte in Pascagoula. It
3 is in the Industrial Development Use District.

4 The applicant is requesting to extend the
5 existing maintenance dredging permit for an additional two
6 years until February 9th of 2022.

7 The previous permit authorized maintenance
8 dredging along the property of a hundred and seventeen
9 thousand nine hundred and ninety-five cubic yards at seven
10 different locations.

11 Here is just an aerial image of the location
12 just for reference, and, then, a zoomed-in aerial. The
13 dredging areas will be up here along the northern part of
14 the property along the launch rail and down in the dry
15 dock area, it will extend to.

16 Here is the highlighted area in red for the
17 maintenance dredging locations.

18 At the time when this permit was issued, that
19 was before the Beneficial Use Statute went into effect in
20 2010. At that time, they were able to dispose of the
21 material in an upper location on their own property which
22 is shown in the yellow area here (indicating diagram).

23 with this extension at this time, they had the
24 option of going beneficial use if they would like to. So,
25 if it will save them money, great.

1 On February 9th of 2010, the Commission approved
2 the applicant's request for maintenance dredging, and,
3 then, on October 3rd, the applicant submitted a request for
4 a two-year extension to the permit.

5 Based upon department review and evaluation, the
6 staff recommends the Commission approve the applicant's
7 request to extend the maintenance dredging permit for an
8 additional two years until February 9th of 2022.

9 Any questions?

10 COMMISSIONER HAVARD: Commissioner Bosarge, that
11 is kind of your world over there.

12 Have you got anything you want to add to that?

13 COMMISSIONER BOSARGE: Well, V.T. Halter
14 recently got the contract to build the ice breaker. So
15 these are big heavy, heavy boats. I can imagine, yes,
16 they want to make sure there is plenty of water.

17 GREG CHRISTODOULOU: Right. They actually came
18 in yesterday and are getting ready to put in a new
19 application because I think their contract has them --
20 they need to be finished with that ice breaker by, I
21 think, it is the third, or fourth, quarter of 2023. So
22 they are going to be putting another dredging permit in
23 pretty soon.

24 COMMISSIONER BOSARGE: I was glad to see them
25 get that contract, especially in Jackson County, to keep

1 employment going. That is a good contract. I am happy
2 with it, and I will make the motion to take the staff's
3 recommendation, accept the staff's recommendation.

4 COMMISSIONER HAVARD: We have a motion to take
5 the staff's recommendation.

6 Do we have a second?

7 COMMISSIONER GUESS: I'll second it.

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

10 All those in favor say aye.

11 (Commissioner Bosarge, Commissioner Daniels,
12 Commissioner Guess, Commissioner Havard in
13 favor.)

14 COMMISSIONER HAVARD: All those opposed?
15 (None opposed.)

16 COMMISSIONER HAVARD: Motion so moved.

17 GREG CHRISTODOULOU: Thank you.

18 COMMISSIONER HAVARD: Appreciate that, Greg.

19 MATT MURPHY: Good morning Commissioners.

20 My name is Matt Murphy, and I have the request
21 for a permit from the City of Waveland. It is on the
22 Mississippi Sound on Beach Boulevard in Waveland,
23 Mississippi. It is in the General Use District. The
24 agent is Compton Engineering.

25 The purpose of the project is to provide access

1 to the beach for people in wheelchairs, or with other
2 limitations.

3 Here is an aerial of the project location. It
4 is on the southwest side of the Garfield Ladner Pier.

5 The scope of the project is point one four acre
6 fill of Coastal wetlands of which point zero two acre is
7 unvegetated waterbottoms and point twelve is previously
8 filled sand beach.

9 Here is a diagram showing the proposed project.
10 You have two small concrete pathways leading off of the
11 pier itself and connecting with this larger ramp that
12 extends around a hundred and seventy feet along the beach,
13 and, then, an additional sixty feet into the water itself.

14 Here is the proposed project location alongside
15 the pier (indicating photograph).

16 The applicant has requested variances from
17 Chapter 8, Section 2, Part III.0.1 of the Mississippi
18 Coastal Program and Mississippi Administrative Code Title
19 22, Part 23, Chapter 8, Section 114.01, and they justified
20 these variances under Chapter 8, Section 2, Part
21 1.E.2.c.iii, and Mississippi Administrative Code Title 22,
22 Part 23, Chapter 8, Section 118.04, by stating that the
23 activity requires a waterfront location, there is a
24 significant public benefit, and a public hearing was held.

25 Notification of this project went out for The

1 Sun Herald and Sea Coast Echo as required, and a public
2 hearing was held on Tuesday, October 29th, 2019, at 5:30,
3 at the Waveland City Hall.

4 We received one public comment concerning the
5 material. The commenter was initially concerned that it
6 would be constructed out of asphalt, but he did say he
7 talked to Compton Engineering before the public hearing
8 and they told him it would all be made out of concrete.
9 So he was in favor of the project.

10 Department of Environmental Quality is reviewing
11 the project.

12 Archives and History has no objection.

13 Secretary of State has said that there is an
14 existing Tidelands lease that includes the stated use and
15 purpose of this addition.

16 Wildlife, Fisheries and Parks has no comments.

17 Based upon departmental review and evaluation of
18 the Mississippi Coastal Program, it has been determined
19 that the project will have a significant public benefit.

20 Therefore, staff recommends that the Commission
21 approve the variance request and issue the requested
22 permit contingent on water quality certification from DEQ.

23 COMMISSIONER HAVARD: Do we have any comments on
24 the staff's recommendation?

25 (No response.)

1 COMMISSIONER HAVARD: With no comments, since it
2 is an action item, do we have a motion?

3 COMMISSIONER DANIELS: I'll make the motion to
4 approve.

5 COMMISSIONER HAVARD: We have a motion.
6 Do we have a second for the motion?

7 COMMISSIONER BOSARGE: I'll second that motion.

8 COMMISSIONER HAVARD: We have a motion and a
9 second to go with the staff's recommendation.

10 All those in favor say aye.

11 (Commissioner Bosarge, Commissioner Daniels,
12 Commissioner Guess, Commissioner Havard in
13 favor.)

14 COMMISSIONER HAVARD: Opposed like sign.
15 (None opposed.)

16 COMMISSIONER HAVARD: Motion so moved.

17 MATT MURPHY: Thank you.

18 COMMISSIONER HAVARD: Thank you, Mr. Murphy.
19 (Commissioner Gollott enters meeting.)

20 JENNIFER WILDER: Good morning.

21 I'm Jennifer Wilder, and I am presenting a
22 request for after-the-fact authorization of a general
23 permit by Mr. Keith Ladner.

24 The location is on the Jourdan River at 3064
25 Palmetto Lane in Bay St. Louis.

1 Mr. Ladner was authorized to build a boathouse
2 twenty-four-by-twelve-and-a-half feet. What is actually
3 constructed today is twenty-four feet by seventeen feet.

4 Mr. Ladner was authorized to build a pier
5 thirteen feet by eleven-and-a-half feet, and the existing
6 structure is sixteen feet by fourteen feet.

7 Mr. Ladner is also requesting authorization to
8 have a floating pier that is eight-by-five feet, and to
9 rebuild forty-five feet of existing bulkhead.

10 This is an aerial view. Here is Palmetto Lane,
11 Highway 90 and Highway 43 to give you an idea of where it
12 is located.

13 This is a diagram of what exists. You can see
14 here is the boathouse. Then, the smaller one. The other
15 piers are existing and permitted. The floating pier is
16 here, and, then, this is forty-five feet he wants to
17 rebuild in the same footprint.

18 This is a picture of the structures as they
19 exist.

20 On July 23rd of this year, an application to
21 reconstruct the bulkhead was submitted.

22 August 28th, 2019, a site visit was performed by
23 staff which showed that some of the structures were out of
24 compliance.

25 On August 29th, the agent listed on that

1 application was contacted and explained that we would need
2 an after-the-fact application.

3 On September 26th, we received the after-the-fact
4 application.

5 The violation was discovered August 28th. The
6 duration of the violation is twenty-eight days. The
7 maximum potential fine for residential property would be
8 fourteen thousand dollars.

9 We are recommending that no fine be issued,
10 based on the fact that here were no previous violations,
11 the applicant was cooperative from the very beginning and
12 this would have been authorized under a general permit if
13 it had been requested the way it sits.

14 Staff's recommendation is to grant the after-
15 the-fact authorization because the project would have been
16 authorized by the general permit had the applicant
17 submitted the application ahead of time.

18 Any questions?

19 COMMISSIONER HAVARD: No questions at this time.

20 Ms. Wilder needs a motion.

21 Do we have a motion?

22 COMMISSIONER GUESS: I'll make a motion to grant
23 the after-the-fact authorization.

24 COMMISSIONER HAVARD: We have a motion to go
25 with recommendations of the staff.

1 Do I have a second?

2 COMMISSIONER GOLLOTT: I'll second it, Mr.
3 Chairman.

4 COMMISSIONER HAVARD: I have a motion and a
5 second.

6 All those in favor say aye.

7 (All in favor.)

8 COMMISSIONER HAVARD: All those opposed like
9 sign.

10 (None opposed.)

11 COMMISSIONER HAVARD: Motion so moves.

12 JENNIFER WILDER: Thank you very much.

13 COMMISSIONER HAVARD: Thank you.

14 That brings us to the next item, Mr. George
15 Ramseur, Office of Coastal Restoration and Resiliency.

16 GEORGE RAMSEUR: No presentation.

17 COMMISSIONER HAVARD: We always like to hear
18 what you have going on.

19 GEORGE RAMSEUR: Thank you.

20 COMMISSIONER HAVARD: That brings us to the
21 Office of Finance and Administration, Ms. Leslie Brewer.

22 LESLIE BREWER: Good morning Director,
23 Commissioners, legal counsel.

24 My name is Leslie Brewer, CFO. I will be
25 presenting the agency's financials for the month of

1 October 31st, 2019.

2 At the end of October, our State Revenue was
3 three point seven million. Our Total Agency Revenue was
4 Seventeen point six.

5 Our State Net Income was one point seven, and
6 our Total Agency Net Income was nine point nine million.

7 After four months of fiscal year 2020, we have
8 eighty-six point four percent of the Operating Budget
9 remaining, while the Tidelands Budget was eighty-seven
10 point six percent.

11 Anyone have any questions?

12 COMMISSIONER HAVARD: I don't think so, as long
13 as you think the department is in good shape.

14 LESLIE BREWER: Looks good.

15 COMMISSIONER HAVARD: Sounds good. Thank you.

16 LESLIE BREWER: Thank you.

17 COMMISSIONER HAVARD: That brings us to Public
18 Affairs, Ms. Charmaine.

19 CHARMAINE SCHMERMUND: Good morning
20 Commissioners, Director Spraggins, counsel Chesnut.

21 The Mississippi Department of Marine Resources
22 was mentioned twenty-five times in local, state and
23 national media, since the October CMR meeting.

24 Popular news items included a Spotted Seatrout
25 release with GCRL, the Secretary of State's Tidelands

1 check presentation and Governor Bryant cutting the ribbon
2 on the outfalls in Biloxi.

3 Marine Patrol taught two boat-and-water safety
4 classes and certified forty-eight students. So far in
5 fiscal year 20, officers have taught six classes and
6 certified one hundred and fifty-six students.

7 Marine Patrol took part in many events since the
8 last CMR meeting. These included Touch a Truck for CASA
9 in Hancock County, Long Beach Police Department's Night
10 Out Against Crime and Pass Road Elementary School's Career
11 on Wheels.

12 The Office of Coastal Restoration and Resiliency
13 has been working with the Gulf of Mexico Alliance in
14 planning the upcoming Embrace the Gulf 2020. The office,
15 along with Coastal Preserves, participated in MDEQ's
16 Restore Summit last week in Biloxi.

17 In September, the U.S. Environmental Protection
18 Agency's Gulf of Mexico Division named our agency as Gulf
19 Guardian Award winners for projects that help improve
20 water quality, habitat and environmental education in the
21 Gulf.

22 The Celebrate the Gulf Marine Education Festival
23 received first place, and the Gulf Coast National Heritage
24 Area received second place for its nature tourism plan for
25 coastal Mississippi.

1 The Gulf States Marine Fisheries Commission's
2 seventieth annual meeting was held in Biloxi last month.

3 Office of Marine Fisheries staff participated in
4 the event and shared reports with committees that included
5 blue crab, menhaden, data management and the Technical
6 Coordinating Committee's special session on effects to
7 Gulf of Mexico fishery resources from 2019 catastrophic
8 flooding events.

9 Seafood Technology Bureau's Jessica Rankin
10 completed Certified Public Manager Level Six training in
11 Jackson in October. Her project "Inspection Quality
12 Assurance Program" has been recommended as a model project
13 under the Mississippi Certified Public Manager Program.

14 Harmful Algal Bloom team members Alicia Carron
15 and Megan Fleming attended the tenth U.S. Harmful Algal
16 Bloom symposium in Orange Beach, Alabama, November 4th to
17 the 8th, to participate in discussions on the latest
18 science associated with the growing phenomenon.

19 On November 4th through the 7th, Finfish Bureau's
20 Courtney Walker and Katya Jagolta took part in the twenty-
21 fifth Biennial Coastal Estuarine Research Federation
22 Conference in Mobile, Alabama. The event was dedicated to
23 advancing the understanding and wise stewardship of
24 estuarine and coastal eco systems integral to productive
25 fisheries and included a Coastal fisheries town hall.

1 Courtney also spent the day at Pass Road
2 Elementary School taking part in their Science Day by
3 talking to students about our state's marine resources.

4 Seafood Technology Bureau staff and others
5 facilitated the MDMR booth at the Jackson County Fair in
6 Pascagoula October 20th through the 27th, providing
7 information about our agency, fishing, oystering,
8 shrimping, crabbing and seafood safety in Mississippi.

9 Last month our agency hosted a group of students
10 from Gulfport High School who are interested in various
11 careers at MDMR.

12 Jennifer Wittmann gave a presentation on Coastal
13 Preserves; Patrick Carron and Shay Smith presented about
14 Marine Patrol; and Marine Fisheries' staff Kristina
15 Broussard, Debbie Belk, Jon Barr, Megan Fleming, Josh
16 Waters and Chris Spurlin gave an overview of harmful algal
17 bloom response and otolith processing to the students in
18 the wet lab.

19 That is a lot.

20 COMMISSIONER HAVARD: That is a lot. We
21 appreciate it.

22 CHARMAINE SCHMERMUND: Thank you.

23 COMMISSIONER HAVARD: We've got a public
24 comment, Mr. Gilbert Ramsey.

25 GILBERT RAMSEY: Good morning Ms. Chesnut and

1 General Spraggins and the board.

2 I met with Mississippi Development Authority
3 Director Mr. Jamie Miller October the 30th to introduce a
4 new program. He has awarded all three counties to us,
5 home based out of D'Iberville.

6 I met with Hancock County yesterday and with
7 Harrison County about a week ago. I will be December 2nd
8 in Jackson County.

9 I am here to introduce a paraplegic fishing
10 tournament for our loved ones and caretakers to enjoy the
11 economy and quality of life with United States Chamber of
12 Commerce Hire the Heroes and Spouses Program included with
13 this, included with this with USM. Their mission
14 initiates this, education outreach.

15 what we doing is initiating a new curriculum
16 with the Gulf Coast Research Laboratory, with the
17 University of Southern Mississippi, Marine Technology.

18 what we've done is we have come with Mississippi
19 State with a Master's program, Gulf Coast Heritage
20 program.

21 I have looked at this appropriately to make sure
22 it is implemented appropriately with our capabilities
23 internationally.

24 I have reached around the world, all God's
25 Children, all counties with wheelchairs with the Paralyzed

1 Veterans of America Initiative.

2 I'm coming forth with a new manufacturing
3 opportunity, too.

4 You may recognize this. I am part of NASA,
5 Ingalls and Stennis for new opportunities for all of us to
6 retain our students, higher education.

7 I have accomplished this with a consistent
8 desire and implementation of recognizing who we represent
9 and that is all individuals, meaning we are not going to
10 represent Mississippi anymore as Mississippi Burning.

11 We are coming forth with innovative ideas with
12 the United States Chamber of Commerce, with the Red Cross,
13 Lions Club and Salvation Army.

14 I have done all of this for us, international
15 recognition, global marketing.

16 Here we go ladies and gentlemen, and it is all
17 retrofitted appliances to accommodate our loved ones and
18 caretakers to nature and the waterways, inland waterways
19 navigational access, shallow draft.

20 Thank you very much for your assistance.

21 COMMISSIONER HAVARD: Thank you, Mr. Gilbert.

22 JOE SPRAGGINS: I just wanted to let you know,
23 Gilbert, we are just now looking at a couple of things.

24 Number one, D'Iberville. We are going to put a
25 handicap lift and when I talk about that, it is a lift

1 that you can go in. The City has agreed that if we would
2 pay for it that they would maintain it. It is a lift to
3 lift someone out of a wheelchair and put them in a boat.

4 We are also going to look at doing this in
5 waveland and across the whole Gulf Coast, being able to
6 try to put that in different places.

7 We want to help the handicap be able to get into
8 the boat and out of the boat.

9 GILBERT RAMSEY: I introduced a water park for
10 paraplegics in waveland yesterday in Hancock County, and
11 also I introduced a playground.

12 Also, in the City of D'Iberville, I was looking
13 at a parcel of property I was going to propose to you for
14 a shed to put y'all's boats in to get them out of the
15 weather and also a fuel depot. I have a parcel of
16 property to accommodate y'all. We will come together and
17 negotiate.

18 JOE SPRAGGINS: Thank you.

19 COMMISSIONER HAVARD: That brings us to Office
20 of Marine Fisheries, Mr. Joe Jewell.

21 JOE JEWELL: Good morning Commissioners.

22 We have three action items on the agenda for
23 your consideration. The first up is Commercial Tarpon
24 Regulations Final Adoption. I will be presenting that for
25 the Commission this morning.

1 The Commission may recall at the September 17th
2 meeting, a motion was made to proceed with a Notice of
3 Intent for regulatory changes to Title 22, Part 7, Chapter
4 9, to add a paragraph 114 prohibiting the harvest and
5 possession of Atlantic Tarpon for commercial purposes.

6 Also, at the October 15th meeting, this item was
7 removed from the agenda at that time which brings us to
8 our meeting today.

9 The Commission passed the Notice of Intent on
10 September the 17th. On the very same day it was filed with
11 the Secretary of State's Administrative Bulletin. The
12 following day MDMR posted it on our web page. Legal
13 notice appeared in The Sun Herald on September the 20th.

14 Public comments. The public comment period was
15 from September the 18th through October the 14th, a total of
16 twenty-seven days, and no public comments were received.

17 I want to remind the Commission this is the
18 proposed language. It affects Chapter 9, Commercial Size,
19 Possession and Catch Limits. Chapter 114:

20 "It shall be unlawful for any
21 commercial fisherman to harvest, or
22 possess, Atlantic Tarpon (*Megalops*
23 *atlanticus*) within Mississippi waters."

24 If the Commission so chooses, what would be
25 required is a motion to proceed with final adoption for

1 regulatory changes to Title 22, Part 7, Chapter 9, making
2 it unlawful for any commercial fisherman to catch, or
3 possess, Atlantic Tarpon (*Megalops atlanticus*) within
4 Mississippi waters.

5 COMMISSIONER HAVARD: At this time, we need a
6 motion. This is an action item.

7 Do we have a motion to proceed?

8 COMMISSIONER BOSARGE: Could we have some
9 discussion before making a motion?

10 COMMISSIONER HAVARD: Sure.

11 COMMISSIONER BOSARGE: Joe, this issue has been
12 on the burner here for a little while, and I have often
13 wondered kind of where it came from because I don't really
14 see a need for it.

15 with that being said, can you back up a couple
16 of slides to the original Notice of Intent and the motion
17 that was made, the first slide?

18 JOE JEWELL: Yes.

19 COMMISSIONER BOSARGE: I'm reading that motion
20 and it says, "Prohibiting the harvest, or possession, of
21 Atlantic Tarpon for commercial purposes."

22 Then, if you go look at the proposed language,
23 it says, "Unlawful for any commercial fisherman to catch,
24 or possess, an Atlantic Tarpon."

25 These are two totally different ideas, or, in

1 other words, the first one says that no commercial
2 fisherman shall possess, or harvest, an Atlantic Tarpon
3 for commercial purposes. I can understand that.

4 The second one says that no commercial fisherman
5 shall harvest, or possess, an Atlantic Tarpon.

6 Joe, that means that -- I'm a commercial
7 fisherman, but I also own two recreational fishing boats.
8 I've got a thirty foot Contender and a twenty-five foot
9 Mako.

10 If that rule goes into effect, I can no longer
11 go out and catch a Tarpon because I'm a commercial
12 fisherman. That is the same thing for any hook-and-line
13 fisherman, or any charter boat fishermen that have
14 commercial licenses.

15 SANDY CHESNUT: Can I point out something?

16 COMMISSIONER HAVARD: Yes.

17 SANDY CHESNUT: The actual language, proposed
18 language is "unlawful for any commercial fisherman to
19 harvest, or possess". So the required language is
20 different from the actual language that was proposed.

21 The required language on the board says "catch",
22 whereas the actual proposed language says "harvest". So
23 there is a difference there.

24 JOE JEWELL: Well, the proposed language affects
25 Chapter 9, Commercial Size, Possession and Catch Limits.

1 The actual regulatory language that would be
2 included states that it is unlawful for any commercial
3 fisherman to harvest, or possess, an Atlantic Tarpon.

4 SANDY CHESNUT: Correct.

5 COMMISSIONER BOSARGE: That's right.

6 SANDY CHESNUT: Whereas the required language
7 that is on the board now says unlawful to catch, or
8 possess, instead of harvest, or possess. That may, or may
9 not, make a difference to Commissioner Bosarge. I just
10 wanted to point that out.

11 JOE JEWELL: Well, you can't possess it if you
12 don't catch it.

13 COMMISSIONER BOSARGE: That's right.

14 SANDY CHESNUT: I think the original intent,
15 when Matt brought the language forward, was if they don't
16 keep it, they are not --

17 COMMISSIONER BOSARGE: (Interposing) Can you
18 speak into the mike just a little bit more, Ms. Chesnut?
19 I'm having a hard time hearing you.

20 SANDY CHESNUT: When we had the initial
21 discussion with Matt, the distinction was that they can
22 catch it. They just can't harvest it. If they catch it
23 as a byproduct, or bycatch, they would not be in violation
24 as long as they didn't harvest it. That was the
25 distinction.

1 JOE JEWELL: That's correct.

2 As I recall, Mr. Hill's response to that, when
3 he was asked that question, was that they would
4 immediately release the Tarpon if they caught it
5 incidentally.

6 SANDY CHESNUT: Correct.

7 COMMISSIONER BOSARGE: Joe, you have to possess
8 it to release it.

9 JOE JEWELL: I would agree with that, but I mean
10 this would be so -- if you look at the title of the
11 chapter, it says "Possession, or Catch Limits". So it is
12 just a semantic.

13 If you want to change possession to catch, you
14 can do that.

15 COMMISSIONER BOSARGE: That's what I say.
16 Possession should never be in there simply because now you
17 are also taking away the right of somebody else that may
18 be in Federal waters where they are allowed to have a
19 Tarpon and, now, they cannot enter the state waters
20 because they are in possession of it.

21 Do you see what I'm saying?

22 There are so many things. For instance, Cobia
23 which is a game fish, even on the commercial side, we are
24 allowed to have a bag limit.

25 I'm really -- I can't think of any other law

1 that is this restrictive, other than marine mammals.

2 Even when it comes to endangered species,
3 turtles, we are still allowed a take.

4 This allows you no take whatsoever.

5 Do you see what I'm saying?

6 In other words, this is the most restrictive
7 fisheries law I have ever been involved in.

8 I guess my point is it's not like we are in dire
9 need of passing this right now today. We need to get this
10 right, and I don't think that spelling out commercial
11 fishermen, any commercial fisherman and any charter
12 fisherman that holds a commercial license -- you've got
13 some judges and lawyers that hold a hook-and-line license
14 -- they can no longer possess an Atlantic Tarpon, harvest,
15 or possess.

16 COMMISSIONER DANIELS: If I may interject here a
17 little bit, Chief, is there a difference between -- I
18 carry a charter boat license and I go out on my boat with
19 a charter, and the next day I load, fill my buddies up and
20 we all have recreational licenses and we go out fishing.
21 That is not a charter. That's doesn't -- I mean, that is
22 two different things.

23 Right?

24 Just because I carry a commercial license does
25 not mean that I am on a commercial fishing trip. They are

1 differentiated.

2 Right?

3 COMMISSIONER BOSARGE: It doesn't matter. That
4 language says "commercial fisherman". You are a
5 commercial fisherman, if you hold a commercial license.

6 COMMISSIONER DANIELS: If I'm not running a
7 documented commercial trip, then, I'm not a commercial
8 fisherman that day.

9 COMMISSIONER BOSARGE: It doesn't matter. That
10 language says it is commercial fisherman. You are a
11 commercial fishermen, if you hold a commercial license.

12 COMMISSIONER DANIELS: If I'm not out on a
13 documented commercial trip, then, I'm not a commercial
14 fisherman that day.

15 COMMISSIONER BOSARGE: It doesn't say that in
16 that language. It says if you are a commercial fisherman.

17 JOE SPRAGGINS: Sir, I think what you are
18 asking, too, in the first language it said for commercial
19 purposes.

20 COMMISSIONER BOSARGE: Correct.

21 JOE SPRAGGINS: And I think that is what one of
22 the things you are trying to get at is rather than just
23 say commercial fisherman, for commercial purposes.

24 Is that correct?

25 COMMISSIONER BOSARGE: That's correct.

1 COMMISSIONER DANIELS: I think we are probably
2 trying to get to the same thing here and the fact that it
3 is not a commercial trip, you should be able -- if one day
4 we have a Tarpon tournament, you should be able to go
5 participate in that. You should not be excluded because
6 you hold a commercial license. I see what you are saying,
7 and I am in total agreement with you.

8 KEITH DAVIS: Can I ask a question?

9 COMMISSIONER HAVARD: Yes, sir.

10 KEITH DAVIS: Why can't we just add "while
11 engaged in commercial activity" to the language and that
12 would clear up the issue?

13 I can tell you this. I hold the opinion, as
14 enforcement, that if a commercial fisherman is in
15 possession of a Tarpon, he would have to actually land
16 that Tarpon for us to consider him in violation.

17 COMMISSIONER BOSARGE: Yes, sir, and I realize
18 that, Chief, but you also have to think about the day when
19 you may not be here and you have got to look at the letter
20 of the law. So the person that takes your place may not
21 have your same thoughts and, if he looks at the letter of
22 that law, what we intend to pass, then, it is a different
23 story.

24 Do you see my point?

25 KEITH DAVIS: Yes, sir.

1 Legal counsel, would that clear it up, what his
2 issue is, "while engaged in commercial activity"?

3 JOE JEWELL: That was the original motion and I
4 think it would address your concerns.

5 The thing I want to know now is what exactly was
6 filed in the Notice of Intent?

7 COMMISSIONER BOSARGE: That's what I say, Joe.
8 The only way we can change it, if I'm correct, is we would
9 have to go back out for Notice of Intent.

10 COMMISSIONER HAVARD: Sandy, if we change the
11 verbiage a little bit, will it have to go back out for
12 Notice of Intent?

13 SANDY CHESNUT: If that is what you go with, for
14 commercial purposes --

15 COMMISSIONER BOSARGE: (Interposing) Can you
16 speak into the mike again, Sandy, please?

17 SANDY CHESNUT: We changed it on the board. If
18 that is what you approve, then, yes, we would have to go
19 back out for Notice of Intent.

20 JOE JEWELL: That's correct.

21 COMMISSIONER BOSARGE: There is no hurry in
22 this.

23 SANDY CHESNUT: There is no problem with that.

24 COMMISSIONER DANIELS: We don't have Tarpon
25 there right now anyway. This isn't something that has to

1 be run through today.

2 JOE JEWELL: Well, I understand a couple of
3 things would have to happen because the Notice of Intent
4 that is filed is stated as it is on the regulations slide.
5 So that would have to be withdrawn, and, then, a new
6 Notice of Intent.

7 The Notice of Intent that is currently on file
8 is Section 114 that reads:

9 "It shall be unlawful for any commercial
10 fisherman to harvest, or possess, Atlantic
11 Tarpon within Mississippi waters."

12 That is what is on file right now. So that
13 would have to be withdrawn, and, then, a new Notice of
14 Intent.

15 Ms. Chesnut is correct. A new Notice of Intent
16 would have to be filed with the language as it reads with
17 "commercial purposes".

18 It is an easy fix. It is just going to take a
19 long time.

20 COMMISSIONER HAVARD: We want to make sure we
21 are thorough with it.

22 I think we need to go out with another Notice of
23 Intent.

24 SANDY CHESNUT: What we need to do is make a
25 motion to withdraw the one that is out now, and, then, we

1 can deal with improving the language, the alternate
2 language that you want to go out with. This may, or may
3 not, be right.

4 If you go ahead and make the motion to withdraw
5 what is there now, that would be great.

6 COMMISSIONER GUESS: I'll make the motion to
7 withdraw the current Notice of Intent on the Tarpon
8 regulations.

9 COMMISSIONER HAVARD: I have a motion.
10 Do I have a second?

11 COMMISSIONER GOLLOTT: I'll second it, Mr.
12 Chairman.

13 COMMISSIONER HAVARD: I have a second.
14 All those in favor say aye.
15 (All in favor.)

16 COMMISSIONER HAVARD: All those opposed like
17 sign.

18 (None opposed.)

19 COMMISSIONER HAVARD: Motion moves.

20 COMMISSIONER DANIELS: I would like to make a
21 motion that we send the new motion out --

22 COMMISSIONER GUESS: (Interposing) I still
23 don't think that is the right wording.

24 JOE JEWELL: Notice of Intent.

25 SANDY CHESNUT: We could just say it shall be

1 unlawful for commercial -- it should be unlawful to
2 harvest, or possess, Atlantic Tarpon for commercial
3 purposes period, and take out "for any commercial
4 fisherman".

5 COMMISSIONER DANIELS: Or should we say any
6 individual engaged in commercial activities?

7 I think that would be the way to go because, at
8 that point, it is clear that they have to be commercially
9 fishing for it to be illegal.

10 JOE JEWELL: Is someone editing the motion?

11 SANDY CHESNUT: Yes.

12 JOE JEWELL: Thank you.

13 JOE SPRAGGINS: One thing I want to make sure
14 that this is in there, Joe -- and tell me. I think it is
15 -- when we say possession, or harvest, we mean if they
16 catch a bycatch, they can release it.

17 Correct?

18 JOE JEWELL: Correct.

19 JOE SPRAGGINS: Do we have to put that in the
20 motion, or can it go in the other part of it?

21 JOE JEWELL: I think having the language in
22 there "harvest" would address all of that.

23 JOE SPRAGGINS: Okay.

24 KEITH DAVIS: Sandy, what about if they add a
25 definition of harvest to it?

1 I think we are splitting hairs, in terms of -- I
2 think the Commissioner's concern is how long they can
3 actually possess the fish before they have to return it to
4 the water.

5 COMMISSIONER DANIELS: well, anything under
6 seventy-five inches, you are not even allowed to possess
7 it.

8 KEITH DAVIS: well, what you are proposing here
9 is none at all, no catch at all for commercial fishermen.
10 Correct?

11 COMMISSIONER DANIELS: Yes.

12 COMMISSIONER GUESS: Does "commercial activity"
13 need to be in there at all, since it is at the bottom "for
14 commercial purposes"?

15 COMMISSIONER DANIELS: Yes. I think it is
16 double wording.

17 COMMISSIONER GUESS: It may just be "it shall be
18 unlawful to harvest, or possess, an Atlantic Tarpon for
19 commercial" -- no. Leave it at the bottom -- "for
20 commercial purposes in Mississippi waters." Take out the
21 top.

22 COMMISSIONER DANIELS: No. No. That is what we
23 just added. I think you have got to have that because
24 that signifies that they are commercially fishing.

25 COMMISSIONER BOSARGE: wouldn't it be simpler

1 just to look at the original motion and basically prohibit
2 the harvest, or possession, of Atlantic Tarpon for
3 commercial purposes?

4 COMMISSIONER GUESS: That's what our initial
5 motion was.

6 COMMISSIONER BOSARGE: Correct.

7 JOE SPRAGGINS: Joe, can you go back to the
8 first slide?

9 JOE JEWELL: Yes.

10 COMMISSIONER DANIELS: That looks like it is
11 saying the same thing two different ways.

12 COMMISSIONER BOSARGE: That was the original
13 motion.

14 JOE JEWELL: Commissioner Guess, I think you are
15 right. I think if we say it shall be unlawful for any
16 individual to harvest, or possess, an Atlantic Tarpon for
17 commercial purposes, if we eliminate "engaged in
18 commercial activities", it would address both your
19 concerns and Commissioner Bosarge's concerns and it would
20 allow for what the Commission is ultimately trying to get
21 at.

22 I think if the motion reads, "It shall be
23 unlawful for any individual to harvest, or possess".

24 If you would delete "engaged in commercial
25 activities", I think that is going to get at what

1 everybody wants.

2 So the new motion would read:

3 "It shall be unlawful for any individual
4 to harvest, or possess, an Atlantic
5 Tarpon (*Megalops atlanticus*) for
6 commercial purposes within
7 Mississippi waters."

8 COMMISSIONER HAVARD: I think that works.

9 Is everybody good with that?

10 (All in favor.)

11 COMMISSIONER HAVARD: If we are good with the
12 motion, we are going to need a motion.

13 COMMISSIONER GUESS: I'll make a motion --

14 COMMISSIONER HAVARD: (Interposing) We've got a
15 public comment.

16 JOE JEWELL: If the Commission is okay with this
17 motion, the next step would be, after public comment, to
18 motion to proceed with a new Notice of Intent.

19 COMMISSIONER HAVARD: Okay.

20 COMMISSIONER GUESS: Okay.

21 I have a public comment, Mr. Chris Rhodes.

22 CHRIS RHODES: I'm Christopher Rhodes.

23 My only concern for this is I have never
24 personally caught a Tarpon. It has been told me that it
25 is kind of like seeing a unicorn. It is very rare.

1 I understand the reason for regulation, but, if
2 I'm out commercial fishing, let's say I catch a record
3 fish. I kind of want to put my name behind that. I just
4 ask that you put some consideration into that moving
5 forward. Maybe educate people. I understand people might
6 try to, I thought it was a record. Just maybe keep that
7 into consideration because personally if I reeled one in
8 and I knew the record of it, that would be kind of joyous
9 for me to put my name behind that.

10 Thank you.

11 COMMISSIONER HAVARD: Thank you.

12 I don't think we have any other public comments
13 at this time.

14 We need a motion to proceed.

15 COMMISSIONER GUESS: I'll make the motion.

16 KEITH DAVIS: Mr. Chairman, I have one more
17 question.

18 COMMISSIONER HAVARD: Yes, sir.

19 KEITH DAVIS: Before you vote, can I just read
20 this one more time?

21 I don't think that this is enforceable.

22 When you write "for commercial purposes", what
23 does that mean?

24 COMMISSIONER BOSARGE: To me that would mean for
25 sale.

1 KEITH DAVIS: who would you sell -- I'm not
2 understanding why we just can't put "while engaged in
3 commercial activity".

4 The way that this is written and a Marine Patrol
5 officer encounters a commercial fishing vessel that is in
6 possession of a Tarpon --

7 COMMISSIONER BOSARGE: (Interposing) I mean,
8 now you are speaking of bycatch. In other words, there is
9 nobody that wants to possess a Tarpon. It would be
10 something if caught accidentally which honestly I don't
11 know if anybody has ever caught one accidentally, but, if
12 it should happen, that would be bycatch. Now you are
13 saying that would be like me telling a hook-and-line
14 fisherman that he can only catch Spotted Seatrout. He
15 can't catch a white trout.

16 Do you see what I'm saying?

17 In other words, it is splitting hairs. I
18 understand that, but to me, this is about as close as we
19 are going to get.

20 KEITH DAVIS: Can we table this and Director
21 maybe have some verbal discussions on it between the two
22 offices?

23 COMMISSIONER HAVARD: Yes, we can.

24 MATT HILL: The reason, Chief, is a commercial
25 fisherman can be out there commercially fishing and, as

1 the gentleman said, if he harvests, or catches, a State
2 record Tarpon, this would allow him and they are allowed
3 to do that. It doesn't say that there are no rules
4 against that.

5 If he is a commercial Spotted Seatrout fisherman
6 and he caught the State record Tarpon over seventy-five
7 inches, he would be able to bring that into us.

8 If we put "commercial activities", that would
9 not allow that fish to be considered for a State record.

10 If he is hook-and-line and a Tarpon comes up,
11 that is why we would put "commercial purposes" in it, so
12 we would be able to consider that animal for a State
13 record, but, if you make the blanket statement of
14 "commercial activities", then, if Commissioner Bosarge is
15 out there engaged in commercial hook-and-line fishing for
16 certain species, he is also allowed to recreationally fish
17 on that same vessel. If he possesses, or catches, a State
18 record Tarpon, then, he would be disqualified. He would
19 not be able to enter that fish for a record.

20 COMMISSIONER DANIELS: How does enforcement
21 differentiate, if they pull up on a boat with two hundred
22 trout in it and one Tarpon, what the intention was for
23 that?

24 Is that what you are getting at, Chief?

25 KEITH DAVIS: Yes.

1 MATT HILL: The fish would have to be over
2 seventy-five inches, the record, for them to be able to
3 possess it to begin with.

4 I believe it is highly enforceable. That is the
5 Chief's department, but you would exclude those fishermen
6 from being able to participate in the State record
7 program. That is the downfall of it.

8 Yes, I believe we are splitting hairs. I do not
9 believe it is going to happen many times.

10 It could happen and it may be that we are
11 getting into somewhat of a gray area, but we have not
12 excluded these fishermen in the past from being able to
13 turn in species for State records, and this language would
14 set a precedent and obviously it would probably carry on
15 through.

16 COMMISSIONER GOLLOTT: Mr. Chairman, I would
17 like to make a motion that we table this until the next
18 meeting so the General and the people who are in charge of
19 this can work out the bugs and try to get it right.

20 COMMISSIONER DANIELS: I'll second that motion.

21 COMMISSIONER HAVARD: We have a motion and a
22 second to table this action item.

23 All those in favor say aye.

24 (All in favor.)

25 COMMISSIONER HAVARD: All opposed like sign.

1 (None opposed.)

2 COMMISSIONER HAVARD: Motion moves.

3 COMMISSIONER BOSARGE: I have something I want
4 to pass out.

5 Us old timers have been here a while and as
6 things go on and things come up, you learn the rules and
7 they get imbedded in your head.

8 Mississippi Code 49-15-2, I know Joe can
9 probably recite it off the top of his head.

10 I am getting to where I know it a little better,
11 but I want to pass it out to your guys because you may not
12 have seen it, may not have read it, but it is the
13 standards for fishery conservation and management and
14 fishery management plans, and it is the State statute that
15 gives us the guidelines that we are to follow when it
16 comes to making fishery laws and fishery management plans,
17 just for you guys to have and read through.

18 (Document handed to members of the
19 Commission by Commissioner Bosarge.)

20 COMMISSIONER BOSARGE: That is all.

21 COMMISSIONER GOLLOTT: Mr. Chairman, point of
22 order.

23 Once something has been tabled, it cannot be
24 discussed anymore.

25 COMMISSIONER HAVARD: All right. Let's move on

1 to the next item.

2 JOE JEWELL: Next up for the Commission's
3 consideration is Final Adoption of Commercial Shark
4 Fishery. It will be presented by Mr. Trevor Moncrief.

5 TREVOR MONCRIEF: Good morning Commissioners,
6 Director, Ms. Chesnut.

7 As Joe said, this will be going over the final
8 adoption of our Commercial Shark Fishery regulations.

9 At the October 15th, 2019, CMR meeting the
10 following motion was passed regarding a Commercial Shark
11 Fishery. The motion was to proceed with a Notice of
12 Intent for regulatory changes to Title 22, Part 7, Chapter
13 9, regarding the development of a Commercial Shark
14 Fishery.

15 CMR passed the Notice of Intent on October 15th,
16 2019. It was then filed with the Secretary of State the
17 same day. The next day we posted the web page notice.
18 Legal notice appeared in The Sun Herald on October 18th,
19 2019.

20 we had our public comment period. It lasted for
21 twenty-five days, and no public comments were received on
22 this item.

23 To go over the specific regulatory changes again
24 to remind the Commission, the changes occur in Title 22,
25 Part 7, Chapter 9, Commercial Size, Possession and Catch

1 Limit, Section 100. We added in 100.28:

2 "Small Coastal Sharks twenty-five
3 inches total length."

4 100.29:

5 "Large Coastal Sharks thirty-seven
6 inches total length."

7 Some additional sections will be struck through.

8 So 102 will be struck through and added to at the end.

9 That will change all the other sections below, until we
10 get to 113 where it states:

11 "Beginning January 1st, 2020, any
12 individual, or vessel, commercially
13 harvesting small Coastal, or large
14 Coastal, Sharks in Mississippi's
15 territorial waters must possess a
16 MDMR shark endorsement, ten dollars,
17 in addition to a current applicable
18 harvester license.

19 "In addition, all individuals
20 applying for a shark endorsement
21 must be a Mississippi resident and
22 present documentation of the
23 successful completion of a MDMR
24 approved shark identification exam
25 and protected species safe handling

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workshop.

“The open season in Mississippi territorial waters for the commercial harvest of sharks shall run concurrent with Federal shark seasons for the Western Gulf of Mexico Sub-Region.”

113.01:

“The practice of ‘finning’, that is removing only the fins and returning the remainder of the shark to the sea is unlawful.

“All sharks commercially harvested in Mississippi State territorial waters must be landed in whole form with fins naturally attached with at least some portion of uncut skin. Sharks may be gutted prior to landing.”

113.02:

“It shall be unlawful for any commercial fisherman to possess a daily bag limit of more than twenty-five small and large Coastal sharks in aggregate per vessel per day.”

To move forward, we need a motion to proceed to

1 proceed with final adoption for regulatory changes to
2 Title 22, Part 7, Chapter 9.

3 COMMISSIONER HAVARD: Any more discussion?
4 (No response.)

5 COMMISSIONER BOSARGE: I'll make the motion to
6 proceed with final adoption for regulatory changes to
7 Title 22, Part 7, Chapter 9, regarding the development of
8 a commercial shark fishery.

9 COMMISSIONER HAVARD: We have a motion.
10 Do we have a second for the motion?

11 COMMISSIONER GUESS: I'll second it.

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

14 All those in favor say aye.
15 (All in favor.)

16 COMMISSIONER HAVARD: Opposed?
17 (None opposed.)

18 COMMISSIONER HAVARD: Motion moves.

19 JOE JEWELL: The final agenda item for the
20 Commission's consideration is the Charter For-Hire
21 Reporting Program presented by Mr. Matt Hill.

22 MATT HILL: Good morning Commissioners, Sandy,
23 Director Spraggins.

24 we have had a lot of conversations about this
25 going back and forth a few times. It has been tabled. We

1 are going to show some information that we have compiled
2 for your consideration. This will be the Charter For-Hire
3 Reporting Program.

4 A little bit of background.

5 At the September 17, 2019, CMR meeting the
6 following motion was passed regarding the Charter For-Hire
7 Reporting Program. The motion:

8 "For fisheries staff to come back to
9 the October CMR meeting with
10 recommendations regarding a Charter
11 For-Hire Reporting Program."

12 Staff, at that time, was still compiling
13 information. So the presentation was moved to the
14 November meeting which is the current meeting.

15 This presentation will outline potential options
16 and considerations, not recommendations, for a Charter
17 For-Hire Reporting Program.

18 Charter For-Hire survey options.

19 Recommendation for reporting system to be
20 similar to the Southeast Region Head Boat Survey.
21 Participating vessels can report electronically.

22 Reported trip information -- and this is just an
23 example of some of the things that would be gathered in
24 the program -- trip date, departure time, return time,
25 number of anglers, fish harvested and fish released.

1 we know there are some other fields that some
2 captains would like to eventually add, but this is the
3 core information that would be collected.

4 when we are looking at beginning a new survey
5 like this, the first two options you have is voluntary
6 reporting, or mandatory reporting.

7 voluntary reporting.

8 participating captains can report requested
9 information by the end of each week. The trip information
10 may be validated by recreational fisheries surveys already
11 in place such as the MRIP survey. The Charter For-Hire
12 survey method would be very similar to current MRIP
13 Charter For-Hire survey.

14 mandatory reporting.

15 hail in and hail out for each trip. This will
16 not require trip information to be recorded that day, but
17 departure time and return time would be required.
18 Captains must report requested trip information by the end
19 of each week and, again, this is just an option. It could
20 be bimonthly, monthly. This is just how it would be
21 started.

22 if the trip information is not reported,
23 participant will not be able to access the Charter For-
24 Hire survey system until requested trip information has
25 been reported.

1 Trip information can be validated through
2 dockside sampling and current MRIP Charter For-Hire survey
3 methods.

4 Also, we meant to put on here that similar to
5 our Tails n' Scales, we would use some law enforcement
6 information, if it was a mandatory reporting app.

7 Little bit of ideas how something like this
8 costs.

9 The Tails n' Scales app was very similar to this
10 with ongoing costs.

11 When we are talking about initiating a program
12 like this, the initial year the personnel costs would be
13 approximately one hundred and fifty thousand dollars.
14 Incidental costs would be approximately fifty-one hundred
15 dollars. Application development would be a hundred and
16 fifty thousand dollars, and your annual maintenance would
17 be thirty thousand dollars.

18 So, obviously, after the initial year, the total
19 would go down to approximately a hundred and eighty-five
20 thousand dollars a year to run a program such as this.

21 Personnel would include two full-staff, along
22 with five partially-funded staff. Application and
23 maintenance costs, derived after consultation with MDMR IT
24 and all costs, with the exception of development, would be
25 annually recurring.

1 Some considerations for the survey.

2 Logbook options allowing captains to see trip
3 information for all previous trips. That is something
4 that is in all of our other surveys that that has been
5 requested. We try to accommodate that to where if they
6 are going to do this, they can see their own information
7 without calling us. They would have access, a user name
8 and login, and they would have access to all their
9 information.

10 Voluntary reporting will likely provide
11 incomplete trip information which is less reliable.

12 Current MRIP survey provides trip information on
13 Charter For-Hire fishing trip.

14 Voluntary reporting would be more difficult to
15 validate.

16 Mandatory reporting allows validation, produces
17 reliable information and creates catch histories for users
18 which the user would have access to at some point.

19 What is required, or what we are asking is some
20 type of action from the CMR to direct staff on how to
21 proceed; whether they would like us to proceed building a
22 program such as this, whether it should be voluntary, or
23 mandatory, or whether it is time to hold off and see what
24 some of the other things coming down the pipeline are.

25 COMMISSIONER DANIELS: My first question to you

1 is remember -- it goes back around the first of the year.
2 I believe it was Commissioner Gollott who had originally
3 asked about implementing something like Tails n' Scales on
4 the entire recreational fishery.

5 MATT HILL: Yes.

6 COMMISSIONER DANIELS: And, then, it was put
7 into place that we would test that on the Charter For-Hire
8 industry.

9 MATT HILL: Yes.

10 COMMISSIONER DANIELS: This has shifted from the
11 recreational to directly just Charter For-Hire.

12 From what I'm seeing, the amount of money for
13 the small amount of data that we would get off of simply
14 surveying Charter For-Hire, the return is not there.

15 I am being told there is over a million dollars
16 spent on the entire recreational sector, as well as Carly
17 didn't seem to have a lot of -- she didn't think that we
18 were there yet in making this work, whenever she gave her
19 presentation.

20 MATT HILL: I concur with that.

21 COMMISSIONER DANIELS: All of that?

22 MATT HILL: Yes.

23 COMMISSIONER DANIELS: With all of that said, I
24 think we are at a dead-end road here.

25 COMMISSIONER BOSARGE: Matt.

1 MATT HILL: Yes, sir.

2 COMMISSIONER BOSARGE: I'm sorry. I didn't mean
3 to interrupt you, Commissioner Daniels.

4 when we are looking at costs here, I'm not sure
5 I agree with some of this.

6 The Tails n' Scales Program runs for how long?

7 MATT HILL: Well, there are about five people on
8 the Tails n' Scales Program twelve months out of the year,
9 with development, with the changes and the updates. It is
10 a very intensive program. There are three people on my
11 staff that spend nearly one hundred percent of their time,
12 and Brian spends a fair amount of his time.

13 COMMISSIONER BOSARGE: But I'm saying that
14 season is just a two-month basically thing.

15 So the other months of the year you are telling
16 me they are working on that?

17 MATT HILL: Absolutely. We are working on it
18 right -- we probably work on it -- well, we don't
19 probably.

20 There are more costs incurred during the off
21 season of Red Snapper with Tails n' Scales than there are
22 during the season, the leg work and the back-end work to
23 that system to continue to make it work.

24 We are in the midst right now of a complete
25 rewrite of the code of the system. We have four people

1 that are dedicated working with the developments.

2 COMMISSIONER BOSARGE: I can understand that and
3 I can see where you've got them busy right now, but I
4 don't see five people working on Tails n' Scales year
5 round every year. I just don't see that.

6 MATT HILL: I would like to say in three, or
7 four, more years it won't be like that, but for the
8 initial eight to ten years when you develop a program like
9 this because there are going to be mistakes, and we find
10 mistakes all the time.

11 If it is mandatory, the program has to work. So
12 this is very crucial in the time off. We don't have time
13 during the season to make any changes. If it crashes, we
14 have a problem.

15 COMMISSIONER BOSARGE: Oh, yes.

16 MATT HILL: So, yes. I believe after the
17 initial phase, after the system is exactly how we want it,
18 the costs will go down considerably, but, in the initial
19 years, it is a hefty cost which we have seen.

20 COMMISSIONER BOSARGE: When I look at reporting,
21 even if we don't do Tails n' Scales -- I mean we've got
22 crab fishermen reporting. We've got oyster fishermen
23 reporting. We've got shrimpers reporting.

24 MATT HILL: Yes.

25 COMMISSIONER BOSARGE: Even now we are going to

1 require the troutline fishermen to basically report.

2 MATT HILL: Yes.

3 COMMISSIONER BOSARGE: How do you find the money
4 for all of that?

5 MATT HILL: The Trip Ticket System is supported
6 through Gulf States. They have the contract through Gulf
7 States. So we don't -- that is not funded through MDMR.
8 Gulf States completely funds that. They fund the hardware
9 and the software of that program, and they also provide us
10 another grant for approximately a quarter of a million
11 dollars every year to administer the program. So those
12 funds are coming straight from NOAA.

13 COMMISSIONER BOSARGE: This is one more sector,
14 even if we have to do trip tickets, then, that's the way -
15 - I say that because of sector separation.

16 At some point in time you have got to imagine
17 that it will be separated between recreational and charter
18 for-hire for State water species and, if these guys don't
19 have any means of saying this was my catch...

20 MATT HILL: Absolutely. I had a conversation
21 with Commissioner Daniels about some of this and I said,
22 with the recent Bonnet Carre disaster, it is very easy to
23 go back to the commercial fisheries and I can paint a
24 pretty picture and I said, if we had five years of data
25 just on the effort that we could hang our hat on, I

1 believe we would be in much better shape, but how do we
2 administer a program like that to get exactly what we
3 want.

4 COMMISSIONER BOSARGE: And that fisheries
5 disaster, if I'm correct, the only data that can be used
6 is commercial fisheries landings to qualify for that.

7 MATT HILL: Yes. It is for commercial fisheries
8 landings right now.

9 COMMISSIONER BOSARGE: So with that said and me
10 looking at what I see you already have in place for the
11 charter boats, we changed what we asked.

12 when we did Tails n' Scales, we had to change
13 State statute to allow us to do Tails n' Scales.

14 MATT HILL: We changed our regulations, yes,
15 sir.

16 COMMISSIONER BOSARGE: At the same time, we
17 changed it to allow us to do charter for-hire.

18 MATT HILL: The language allows us to ask
19 information on additional species from the recreational
20 sector.

21 COMMISSIONER BOSARGE: I think it's State
22 statute 49-15-313. We already have in place where it
23 says:

24 "An operator of a licensed vessel" --
25 talked about all resident vessels

1 engaged in charter boat fishing, and
2 it goes on:

3 "An operator of a licensed vessel
4 shall be required to report the
5 number of customers to the department
6 as required by the Commission and the
7 information shall be kept confidential
8 and shall not be released, except to
9 other fisheries management agencies,
10 or as statistical data."

11 There are several things I saw in here that we
12 have in place now to record landings of charter boats.

13 Can we not just take some of this?

14 Some of it, they have the option as to report
15 it.

16 You have survey forms. That was another.

17 MATT HILL: Yes.

18 COMMISSIONER BOSARGE: In other words, I guess
19 my point is we already have some of a system in place.

20 MATT HILL: We do.

21 COMMISSIONER BOSARGE: And for the benefit of
22 those guys to get their landings down where they can say,
23 this is who we are, we can't take what we already have and
24 make some of it mandatory?

25 MATT HILL: Well, the MRIP -- what you are

1 referring to is the MRIP survey which NOAA funds.

2 COMMISSIONER BOSARGE: It wasn't the MRIP that I
3 was referring to. I will have to find it here. Give me
4 just a minute.

5 This is Title 22, Part 9, Rules and Regulations
6 for Statistical Reporting and Confidentiality of
7 Statistical Data for Marine Fisheries in the State of
8 Mississippi.

9 Chapter 11, 101:

10 "Charter Boat and Head Boat captains
11 operating in Mississippi waters shall
12 be required to complete questionnaires
13 furnished by the MDMR for each trip.
14 Completed questionnaires shall be
15 furnished to an information
16 confidentiality officer upon
17 request.

18 "In addition to reporting required
19 pursuant to this paragraph, the
20 following reporting is also
21 required."

22 And it goes on. That's where we changed to
23 Tails n' Scales. In other words, 101.02:

24 "Tails n' Scales Reporting for
25 Additional Species Charter and

1 Head Boat Harvest.

2 "When requested by the MDMR" --

3 and it goes on.

4 MATT HILL: Yes.

5 COMMISSIONER BOSARGE: My point is it is in
6 state statute already that we have questionnaires.

7 Do you see what I'm saying?

8 we have already got somewhat of a reporting
9 system in place.

10 MATT HILL: Yes.

11 COMMISSIONER BOSARGE: We have to spend three
12 hundred and thirty-five thousand dollars to make the rest
13 of it work?

14 MATT HILL: The reporting system that we have in
15 place right now -- and we are completely revamping the
16 commercial reporting system, also.

17 These programs are outdated. They are not
18 giving us the information that we need anymore.

19 Beginning in 2013, these programs were funded
20 and they are just not cutting it for us anymore.

21 We are going down the road with the help of Gulf
22 States to revamp these programs. It is just going to take
23 time to get the charter for-hire portion of it in there.

24 The commercial portion is obviously the most
25 important. That took precedence over everything because

1 of the value of the industry. We have the processors
2 involved, the dealers involved, the fishermen involved,
3 and we have had disasters, but it is going to be something
4 very similar in the future, but hopefully in the next
5 three months we will launch the vessel program for the
6 commercial industry, and, then, right after that we would
7 like to be able to start working with the charter industry
8 to start putting something together and begin with the
9 effort.

10 we don't have a problem with the catch. We have
11 a pretty good handle on that. We need the effort. That
12 is what the biggest problem is in everything, what is the
13 actual effort, and we could start doing that fairly
14 quickly.

15 COMMISSIONER BOSARGE: But I mean -- I agree.

16 Just like right now with the disaster from this
17 federal fisheries, I don't see -- I don't know everything,
18 but, when we look over on the federal side and right now,
19 unless something changes, there could be no federal money
20 given to the charter boat industry simply because they are
21 not commercially qualified and they can't submit the data
22 that needs to be submitted to qualify for those federal
23 funds.

24 MATT HILL: Yes, and I agree that we need some
25 program like this. It is just how do we get there. How

1 do we --

2 COMMISSIONER BOSARGE: (Interposing) We've got
3 to make the first step.

4 MATT HILL: And I agree, but we are making
5 several steps right now with the commercial industry, and
6 it is going to take us some time.

7 COMMISSIONER BOSARGE: Yes, but if money is the
8 problem, then, we've got enough stuff in place here now
9 that we don't have to spend anything.

10 MATT HILL: But we have to have the money to fix
11 what we have. We are receiving the money to fix what we
12 have on the commercial side. We are not footing that
13 bill. NOAA and Gulf States is footing that bill.

14 They are not going to foot the charter for-hire
15 bill. We are going to have to come up with this money to
16 fix this problem. We are going to have to come up with
17 the money, with the funds.

18 JOE SPRAGGINS: One thing, Commissioners -- and,
19 Joe, tell me if I'm wrong, but with this new disaster that
20 we are filing, charter boat is in that disaster, but it is
21 called a revenue loss.

22 Is that correct?

23 JOE JEWELL: Yes.

24 JOE SPRAGGINS: It is allowed in there this
25 time. It has never been allowed before, but it is allowed

1 now because of revenue loss.

2 COMMISSIONER DANIELS: So we have the ability to
3 financially report losses, as opposed to catch?

4 JOE JEWELL: Yes.

5 JOE SPRAGGINS: Not the same thing you are
6 thinking about.

7 COMMISSIONER BOSARGE: It's fisheries disaster
8 money.

9 JOE SPRAGGINS: That is called revenue loss.

10 MATT HILL: We do not have reliable data to
11 provide to them. They are actually surveying some of the
12 charter captains.

13 we are actually quasi in it, but it is nothing
14 that we can provide to them because that system needs to
15 be revamped, but that is going to be on our dime.

16 COMMISSIONER BOSARGE: So my point is to qualify
17 for these federal disaster funds, unless you change
18 something in the federal statute, the only qualifiers,
19 what you are going to have to provide is from commercial
20 fishermen.

21 MATT HILL: That is all we have provided as an
22 agency. There have been some outside surveys that have
23 gone on that we have included in our report, but we have
24 not included any reports on the charter for-hire industry,
25 except what is in the MRIP data, into those disaster

1 reports.

2 They were requested to come up with a revenue
3 loss for the charter for-hire industry. So we went to
4 NOAA and got the MRIP data, and that is all we have.

5 COMMISSIONER BOSARGE: Yes, you've got it, but
6 you can't provide it. It would do no good to provide it.

7 JOE SPRAGGINS: I don't know, sir.

8 The point I'm getting at is when I was in
9 congress the other day and testifying to the Commission to
10 Commerce, one of their statements was that charter boat
11 fishermen loss would be included in this, and this was not
12 just for Mississippi, Louisiana and Alabama. This was
13 because of the northwest and there were a lot of issues
14 going on there.

15 Unless they just changed something, and I don't
16 know how they changed it, but the way they worded this
17 disaster was for revenue loss and not just a fisheries
18 loss, and that was the way that I understood it.

19 Am I wrong there, Joe?

20 Is that correct?

21 JOE JEWELL: I think we are getting a little off
22 track. So I will try to address your comments as quickly
23 as possible.

24 Director Spraggins is right. This is not a
25 normal federal fisheries disaster that has been declared

1 like in 2011. It has been declared an extraordinary
2 event. So there are little different rules that are
3 applied to those.

4 The charter boat fishery is certainly part of
5 that process. We have done an economic survey.

6 My understanding of the way the process works is
7 we submitted an application that is under review for this
8 extraordinary disaster, and the feds are going to evaluate
9 that application, and they are going to describe to us
10 what components are eligible and which ones are not.

11 Once that is done, we submit a budget plan on
12 how we propose to recover from that, or what
13 reimbursements will be distributed.

14 Now, as far as auditing purposes, we have to
15 establish the criteria for what will be reimbursed and
16 what will not, and you remember, in 2011, we did that.

17 So my expectation is if the charter boat
18 industry is found eligible based on this economic survey,
19 there is going to have to be some eligibility criteria
20 that this agency establishes so that they would be
21 eligible for those types of reimbursements.

22 That is generally how it is going now, but that
23 is really not applicable to what we are talking about
24 right now.

25 COMMISSIONER BOSARGE: It is somewhat, in that

1 if we had the correct system in place for reporting, then,
2 they would be eligible, and there would be no question as
3 to how any funds will be distributed from that point on.

4 JOE JEWELL: I agree with that. I agree with
5 some of the comments the Commissioners made.

6 This really started in 2018 and it outcropped
7 from two events and two presentations that were brought on
8 multiple months by the Office of Marine Fisheries.

9 There was the Spotted Seatrout stock assessment
10 that was going on towards the end of the year. That
11 overlapped the Spotted Seatrout endorsement, and that is
12 where those conversations were going on about assessing
13 the recreational fisheries, and towards the end of the
14 year the Commission decided that they were going to have a
15 pilot test with the charter boat fisheries, and, then, in
16 January of 2019 is where that first presentation went on,
17 and February is where the presentation was given to a
18 joint Federal Charter For-Hire Task Force.

19 At the February meeting, the Commission asked us
20 to come back within ninety days for a potential pilot
21 program.

22 That really never really happened. We had
23 discussions with the Commission. It never really
24 happened, and, then, we were asked to assess all of the
25 motions and requests by the Commission to see if we

1 adequately addressed them.

2 We had not addressed that ninety-day requirement
3 by the Commission. So that is how it re-arose before the
4 Commission in September.

5 Then, of course, the Commission voted for us to
6 come forward in October, and we didn't do it then. I'm
7 not sure why it was removed from the agenda, but, then, it
8 is here now.

9 It is not simply just a budget issue, although
10 it is a huge budget issue for us. It is a personnel
11 issue.

12 Those figures of a hundred and fifty thousand
13 almost mirror the current personnel that Marine Fisheries
14 has on the Tails n' Scales app, but it is also that the
15 charter boat industry is facing the federal regulations,
16 the federal monitoring, VMS. They are facing multiple
17 issues that will not only affect them programmatically,
18 but economically.

19 So if we invoke something like this before we
20 know what the playing field will be in the end, it may not
21 get us what we want anyway.

22 COMMISSIONER BOSARGE: But, Joe, basically what
23 it is, is the Federal Government sees the need for that
24 information and most of the Federal For-Hire charter guys
25 are all for it.

1 As a matter of fact, one of the pilot programs
2 that was put in place for the Federal Charter For-Hire was
3 actually requested by those charter boat fishermen.

4 JOE JEWELL: That's true.

5 COMMISSIONER BOSARGE: Because they see the need
6 to be able to document what they are catching because they
7 see sector separation and they want to be sure that they
8 capture their landings so they will have them for future
9 events.

10 I think the Federal Government is really a
11 little bit one step ahead of us mostly.

12 When you say what the charter boats are fixing
13 to be required by the Federal Government, that is only if
14 that charter boat has got a federal permit.

15 JOE JEWELL: That's right. It doesn't affect
16 those people that don't have it, but this program would
17 affect all of those.

18 COMMISSIONER BOSARGE: That's right. This
19 program would actually say who they are, what they are and
20 what their landings are.

21 JOE JEWELL: All of them, the federal and the
22 non federal.

23 COMMISSIONER BOSARGE: That's right.

24 I see this in a bunch of different states where
25 those guys want to say who they are and they want to be

1 able to tell what their landings are and tell what their
2 financial contribution to the economy is, to be able to
3 document it

4 JOE JEWELL: Well, like the motion says, we are
5 asking for direction by the Commission right now.

6 Right now the Office of Marine Fisheries is not
7 in a position to enable, or develop, an app that would
8 apply to all of the charter boat fisheries, but that is
9 not to say that we can't do it.

10 If the Commission requests that we move forward
11 with that, it is going to take us a little while and we
12 would ask for y'all's patience with that.

13 If y'all would move that we develop this app, we
14 absolutely can do.

15 COMMISSIONER DANIELS: I appreciate Commissioner
16 Bosarge's concern for the well-being of the charter boat
17 industry. We have gotten, I think, kind of way off track
18 on what the original issue was here.

19 It seems that the general consensus is that the
20 return on this particular project is not going to be worth
21 it.

22 I would like to make a motion to forego moving
23 forward with this particular project.

24 COMMISSIONER HAVARD: I have a motion on the
25 table.

1 Do I have a second for Commissioner Daniels'
2 motion?

3 COMMISSIONER GUESS: I'm going to second that.
4 I feel like it is too costly for the amount of charter
5 for-hire that we have, but, as you mentioned, we have
6 another plan in place. It just may be six months, eight
7 months, nine months down the road that is not going to be
8 as costly as this.

9 MATT HILL: What we would like to see is we have
10 been very successful with some apps. We are getting a
11 little bit more experience in it. We know what we want.

12 These guys want to report. I understand that.
13 There is no doubt about it, but, when you build a system
14 for an industry, for one fishery, it is very important
15 that it is one system for everybody.

16 what we need to know is -- the federal system
17 still is not off the ground yet. They are struggling
18 right now. They can't even tell us which questions they
19 want to ask yet.

20 what we would like to do is something like Tails
21 n' Scales where you have a profile in there, but we would,
22 as an agency -- and we have talked extensively with Brian
23 about this. As an agency, they wouldn't be responsible to
24 send all this data off. We would create the app in house
25 for everybody, but, if Commissioner Daniels has to report

1 to a different entity, we would have these ways to get all
2 of this information, so they are only having to report to
3 one place for everything.

4 Until we have the information on what is needed
5 -- we have a head boat survey program. We have seafire
6 (phonetic) coming online. There is another one that I'm
7 not mentioning, and, then, we do this.

8 Fishermen tend to participate. The commercial
9 is a very good example of that. They can go to one place,
10 when they report their offshore species. They have got a
11 bank there. They have quotas there, but it is one system
12 that they can go to, and they can login to that and they
13 can see everything that they have done and what they need
14 to do, what is left, and we like that system and that is
15 where we want to go with it, but we just need to know what
16 are all the parameters in these five systems that we are
17 going to have to meet.

18 Honestly, right now, we can put all the
19 questions in there and we can do everything.

20 Our biggest problem is the VMS. The VMS is very
21 challenging for us. It is something that we can do, but
22 it is very challenging.

23 COMMISSIONER BOSARGE: Matt, you are really not
24 considering a VMS for state charter.

25 MATT HILL: No, sir. We don't want that for

1 state charter, but we would like the system to be capable
2 of those federal guys to report to it and capture VMS data
3 so we are sending that off.

4 we would have the data and we would send it. We
5 would be the warehouse of the data and we would send it
6 off. That is our goal.

7 COMMISSIONER HAVARD: I appreciate all of your
8 information, Matt and Steve, but it is time we have a
9 motion.

10 COMMISSIONER GOLLOTT: Let me make an
11 alternative motion.

12 I would like to make a motion that we table this
13 until the next meeting, until we can understand it a
14 little bit better and work on it.

15 COMMISSIONER HAVARD: Right now we have a motion
16 and a second on the table. So we need to vote on that
17 first.

18 COMMISSIONER BOSARGE: Well, I guess his will
19 have to be a secondary motion.

20 COMMISSIONER HAVARD: We have a motion on the
21 table right now to forego moving forward with this
22 project. I have a motion and a second.

23 COMMISSIONER BOSARGE: Let me call on a point of
24 order, please.

25 If Commissioner Gollott's motion is a secondary

1 motion, it has to be voted on first. Ms. Chesnut will
2 correct me if I'm wrong.

3 SANDY CHESNUT: That's correct.

4 COMMISSIONER HAVARD: Richard, would you repeat
5 your motion?

6 COMMISSIONER GOLLOTT: I would like to table
7 this until the next meeting, until we can understand it a
8 little bit better and work on it and come back with some
9 answers.

10 COMMISSIONER DANIELS: If I may, one thing that
11 Matt and I discussed, there is room for these things to be
12 looked at in the future, but there are a lot of moving
13 parts that need to be worked out in other places than
14 right here before he knows the way all of this will work
15 and play out.

16 what we are specifically talking about today is
17 the pilot program, if you want to call it that, that would
18 work.

19 If we forego this pilot program, there are other
20 alternatives that Matt is already looking at for the
21 future that we can certainly look at in the future.

22 COMMISSIONER GOLLOTT: Mr. Chairman, we need a
23 second on that secondary motion.

24 COMMISSIONER HAVARD: I have a secondary motion
25 on the table.

1 Do I have a second for that motion?

2 COMMISSIONER BOSARGE: I'll second his motion.

3 COMMISSIONER HAVARD: I have a motion and a
4 second.

5 All those in favor say aye.

6 (Commissioner Bosarge, Commissioner
7 Gollott in favor.)

8 COMMISSIONER HAVARD: All those opposed say nay.

9 (Commissioner Daniels, Commissioner
10 Guess, Commissioner Havard opposed.)

11 COMMISSIONER HAVARD: Motion dies.

12 Commissioner Daniels, do you still want to make
13 your motion?

14 COMMISSIONER DANIELS: Yes, please.

15 COMMISSIONER HAVARD: Okay.

16 COMMISSIONER DANIELS: I would like to make a
17 motion to forego moving forward with the program.

18 COMMISSIONER HAVARD: Commissioner Daniels has a
19 motion.

20 Do I have a second?

21 COMMISSIONER GUESS: I'll second it.

22 COMMISSIONER HAVARD: I have a second for the
23 motion.

24 All those in favor say aye.

25 (Commissioner Daniels, Commissioner

1 Guess, Commissioner Havard in favor.)

2 COMMISSIONER HAVARD: All those opposed say nay.

3 (Commissioner Bosarge, Commissioner
4 Gollott opposed.)

5 COMMISSIONER HAVARD: Motion so moves.

6 That brings us down to L.

7 COMMISSIONER BOSARGE: I have one more comment I
8 would like to make, if I could, on this same issue.

9 Matt, on that Chapter 11, 101, where I read the
10 charter and head boat questionnaire, so that we can start
11 getting some of the information, I would like to make a
12 motion that we require those questionnaires to be filled
13 out. Not upon request, but that it is a requirement.

14 I mean, if it is something they are already
15 doing, that they are supposed to be doing, supposed to
16 furnish upon request, then, let's make it a permanent
17 thing where they have to fill out those questionnaires,
18 and that will give them a start for a trip ticket system.

19 I don't see any costs involved in that. It is
20 already -- the program is in place.

21 MATT HILL: Yes.

22 COMMISSIONER BOSARGE: With that, I will make
23 that motion.

24 COMMISSIONER GUESS: Can we get a copy of that?

25 COMMISSIONER BOSARGE: You will have to ask Matt

1 for the survey questionnaire.

2 MATT HILL: The questionnaire is the current
3 MRIP Program that we administer. We call a ten percent
4 random sample on a weekly basis of all of the charter for-
5 hire captains. We ask the information. So they are
6 chosen for a certain week.

7 They can decline it. They do not have to
8 participate in it.

9 We will show you a copy of what it looks like,
10 but they will bring their logbook out, and it is basically
11 a Sunday through Saturday survey and they say, if they
12 went on Monday, how many anglers, how many hours fish,
13 species targeted, species harvested, and that all goes
14 into a database, but, yes, they can decline to do this
15 survey.

16 COMMISSIONER HAVARD: So at this time, I don't
17 think we can make a motion on an action item. We can ask
18 them to come back.

19 SANDY CHESNUT: Well, the motion can be that
20 staff bring back the language that would change the
21 current regulations to require reporting. That would have
22 to come back at the next meeting and be voted on whether
23 you want to go out on Notice of Intent.

24 MATT HILL: Okay.

25 SANDY CHESNUT: So that can be the motion made

1 because it is going to require a regulation change.

2 MATT HILL: One thing that Joe just pointed out,
3 the survey that we are using, it is from NOAA. It is a
4 federal-funded program. So we would have to look into
5 that, or we would develop our own questionnaire, something
6 similar, but we cannot require them to answer that survey.
7 It is through NOAA. It is a funded survey through NOAA,
8 that particular survey that we currently use.

9 They have to read the statement. There is a
10 statement at the top of the form that you have to read
11 that says that this is a voluntary program. It is clear
12 on the top of the form.

13 JOE JEWELL: Now, as counsel Chesnut pointed
14 out, the Commission can vote for us to come forward with
15 options for the Commission to consider next month, or
16 whenever you would like us to come forward, and those
17 options could be a separate survey that is mandatory, but
18 the current federal program, I don't think we have the
19 ability, or the authority, to change the rules and
20 regulations that they are under, but you can adopt
21 similar, or other, programs that we can make mandatory by
22 the Commission.

23 COMMISSIONER HAVARD: Sandy, can we put this on
24 the agenda for next month, or can we take action today?

25 SANDY CHESNUT: You can put it on the agenda for

1 next month because it is pretty obvious that there is a
2 lot of discussion and research that the staff needs to do
3 around the subject.

4 You need to bring it back at the next meeting,
5 and, then, see if there is something you want to do at the
6 next meeting.

7 COMMISSIONER HAVARD: Sounds good. I appreciate
8 that, Sandy.

9 Are you good with that, Commissioner Bosarge?

10 COMMISSIONER BOSARGE: Yes, sir.

11 COMMISSIONER HAVARD: So that moves us on to L.

12 SANDY CHESNUT: Did we get a second on that?

13 Commissioner Bosarge made a motion for the staff
14 to bring that back at one point.

15 COMMISSIONER GUESS: I'll second it.

16 JOE SPRAGGINS: I think the understanding, sir,
17 is for you to ask the staff to bring back something and
18 put it back on the agenda for next month, then, we would
19 need some type of a motion to do that, and that is what we
20 are asking for.

21 COMMISSIONER BOSARGE: That's fine. I think
22 that is the motion I made.

23 Are you going to read that out?

24 COMMISSIONER HAVARD: I'm okay with that.

25 I've got a motion on the table, as well as a

1 second, for the staff to bring back the required language.

2 All those in favor say aye.

3 (All in favor.)

4 COMMISSIONER HAVARD: Opposed like sign.

5 (None opposed.)

6 COMMISSIONER HAVARD: Motion moves.

7 Now let's move on to other business.

8 JOE SPRAGGINS: Sir, I just have a couple of
9 real quick things.

10 One is we had a guy name Mr. Gil Ryder who has
11 been working with us at different places, different states
12 and he would like to come make a presentation to y'all
13 next month. His presentation is more so about being able
14 to have a license. If you want to fish here and you want
15 to buy a license in Louisiana and come here, you can just
16 buy it online.

17 It is something they would like to bring forward
18 to you, if y'all would be willing to entertain that next
19 month.

20 COMMISSIONER HAVARD: Yes.

21 JOE SPRAGGINS: The other thing real quick is
22 fisheries, the commercial disaster thing is in process.

23 We had a meeting on Friday. We were on a phone
24 call with NOAA, and I can tell you it is a little
25 different than normal. It is a disaster, not just a

1 fisheries disaster. It is a revenue. We have been able
2 to include some things that have not been included in the
3 past, but, once again, it is like Joe said. It is going
4 to depend on NOAA when they come back and they say, yes,
5 Joe, this is workable, this is workable, this is workable,
6 we can look at that.

7 Louisiana just turned theirs in. Just to give
8 you a heads up, we are about two weeks, or three weeks,
9 ahead of Louisiana and Alabama because we are already in
10 the process of weeding ours down where they just turned it
11 in, and they did turn in, like, two hundred and sixty-
12 eight million, if you wanted to know what their numbers
13 were.

14 I think ours is a hundred and sixty-plus
15 million, a little over, to give you an idea.

16 COMMISSIONER DANIELS: If I may, just one real
17 quick question, I guess either for you, or Matt, Joe.

18 When will we see some more information on the
19 speckled trout, where our SPR is in relation to what our
20 size limit is doing for us?

21 JOE JEWELL: Well, what we traditionally do is
22 provide the Commission an annual update to the original
23 spotted Seatrout stock assessment.

24 That update generally occurs in October, or
25 November, of each year. It kind of varies a little bit.

1 This year it has been delayed significantly for
2 a lot of different issues, the internal reviews and
3 actually receiving it.

4 We have a partnership. The Stock Assessment
5 Committee is a partnership between Gulf Coast Research
6 Laboratory and the Department of Marine Resources.

7 There have been some issues with the annual
8 update, and my understanding is it probably is not going
9 to occur this year.

10 We tried desperately to get it on the agenda for
11 November so that we could fulfill the Commission request
12 that they receive annual updates.

13 At best, it is going to be early next year,
14 probably no later than the spring that it is presented
15 before the Commission.

16 COMMISSIONER DANIELS: Okay. Thank you. I was
17 just curious.

18 COMMISSIONER HAVARD: Do we have any other
19 business?

20 KEITH DAVIS: Mr. Chairman, I did fail to
21 mention one thing during my report that I do think that
22 the Commission needs to be aware of.

23 If you remember in 2016, a young lady was killed
24 in Hancock County, and I want to bring it to the
25 Commission's attention that that trial was concluded last

1 month and the defendant in that trial received a twelve-
2 year sentence for that accident causing the death of young
3 Ms. Mauffray.

4 As far as I know, that is the first time in the
5 history of DMR Marine Patrol that a felony conviction was
6 secured that way. So my hat is off to our investigators
7 who worked that case and, in addition to that, during the
8 trial, investigator Patrick Carron was classified as an
9 expert witness in boating accidents. So we do have an
10 expert witness in Mississippi for boating accidents.

11 I failed to mention that, and I apologize.

12 COMMISSIONER HAVARD: That is good information.
13 I appreciate you taking the time and informing us about
14 that, Chief.

15 With no other business, that moves us down to
16 public comments.

17 Do we have any other public comments anyone wants
18 to talk about?

19 (No response.)

20 COMMISSIONER HAVARD: With no other public
21 comments, can we get a motion to be adjourned?

22 COMMISSIONER GOLLOTT: Mr. Chairman, I make a
23 motion that we adjourn.

24 COMMISSIONER HAVARD: Can I get a second?

25 COMMISSIONER GUESS: Second.

1 COMMISSIONER HAVARD: I have a motion and a
2 second to be adjourned.

3 All those in favor say aye.

4 (All in favor.)

5 COMMISSIONER HAVARD: Opposed?

6 (None opposed.)

7 COMMISSIONER HAVARD: Motion moves.

8 (Whereupon, at 10:51 o'clock, a.m., the November
9 19, 2019, meeting of the Commission on Marine Resources
10 was concluded.)

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CERTIFICATE

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3 I, Lucille Morgan, Certified Shorthand Reporter,
4 do hereby certify that the above and foregoing is a true
5 and correct transcript of the November 19, 2019, meeting
6 of the Commission on Marine Resources, as taken by me at
7 the time and place heretofore stated in the aforementioned
8 matter in shorthand, with electronic verification, and
9 later reduced to typewritten form to the best of my skill
10 and ability; and, further, that I am not a relative,
11 employee, or agent, of any of the parties thereto, nor
12 financially interested in the cause.

13
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15 _____
16 COURT REPORTER
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