

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, April 21, 2020  
9:00 a.m.  
Zoom webinar

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Commission Members:

Mark Havard, Chairman

Ronald Daniels, Vice Chairman

Steve Bosarge

Richard Gollott

Natalie Guess

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chesnut, Esq., Assistant Attorney General

1           COMMISSIONER HAVARD: Let's call the meeting to  
2 order, the meeting of commission on Marine Resources April  
3 21, 2020.

4           We are going to do it via zoom. If you guys  
5 could bear with us during this time of us all working  
6 behind the computer.

7           To start off, I am going to ask Dr. Paul Mickle  
8 to lead us in the Pledge of Allegiance this morning.

9           (Pledge of Allegiance was recited.)

10          COMMISSIONER HAVARD: Thank you, Dr. Paul, for  
11 handling that for us.

12          Second, we would like to just have a moment of  
13 silence and think about what is going on in our country  
14 and pray for our leaders and hope that we all can get  
15 through this time without getting ill. At this time,  
16 let's recognize a moment of silence.

17          (Moment of silence observed.)

18          COMMISSIONER HAVARD: All right, guys. I  
19 appreciate that.

20          Approval of the minutes.

21          Can I get a motion to approve the minutes for  
22 February the 18<sup>th</sup>, 2020?

23          COMMISSIONER BOSARGE: So moved, Mr. Chairman.

24          COMMISSIONER GOLLOTT: I'll second it, Mr.  
25 Chairman.

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

3 All those in favor say aye.

4 COMMISSIONER DANIELS: Aye.

5 COMMISSIONER HAVARD: Aye.

6 COMMISSIONER GOLLOTT: Aye.

7 COMMISSIONER GUESS: Aye.

8 COMMISSIONER BOSARGE: Aye.

9 COMMISSIONER HAVARD: Did Commissioner Daniels  
10 join us?

11 COMMISSIONER DANIELS: Yes. I said aye.

12 COMMISSIONER HAVARD: Very good.

13 We've got approval. Motion moves.

14 Can we get approval of the Special Session  
15 minutes for March 31, 2020?

16 COMMISSIONER GOLLOTT: So moved, Mr. Chairman.

17 COMMISSIONER BOSARGE: Second.

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

20 All those in favor say aye.

21 COMMISSIONER BOSARGE: Aye.

22 COMMISSIONER GOLLOTT: Aye.

23 COMMISSIONER HAVARD: Aye.

24 COMMISSIONER DANIELS: Aye.

25 COMMISSIONER GUESS: Aye.

1 COMMISSIONER HAVARD: Motion moves.

2 Guys, let's try to do it as we have done it in  
3 the past, as we say aye, or nay, let's state our name as  
4 well. It gives everybody a chance to say their piece real  
5 quick and we know who is saying what.

6 That brings us on to C, Approval of the Agenda.  
7 Do we have an approval for the agenda?

8 COMMISSIONER DANIELS: I'll make that motion.

9 COMMISSIONER HAVARD: I have a motion.  
10 Do I have a second for approval of the agenda?

11 COMMISSIONER GUESS: I'll second that.

12 COMMISSIONER HAVARD: Did we need to add  
13 something to the agenda?

14 JOE SPRAGGINS: Are you talking about the  
15 petition, Mark, or what?

16 COMMISSIONER HAVARD: Yes, that's what I was  
17 thinking, Joe.

18 JOE SPRAGGINS: What we are going to do on that  
19 is that is something that we would look at, and what I  
20 would like to do is put it on the record to be read in on  
21 K.6, if that is okay.

22 That is if Mr. McDermott chooses to read it into  
23 the record. If it does not come into the record, we did  
24 add it to the slides for K.6. If we could just do it at  
25 K.6.

1           COMMISSIONER HAVARD: So we are going to add a  
2           Petition for Reconsideration into Item K.6.

3           If we could make that adjustment, it is a rather  
4           --

5           JOE SPRAGGINS: (Interposing) Mark, it is on  
6           the K.6 agenda right now. When you call up K.6, it will  
7           be in there.

8           COMMISSIONER HAVARD: Okay.

9           JOE SPRAGGINS: I have never done one of these.  
10          Sandy, help me.

11          Do we mention it, and, then, if we have the  
12          opportunity to let them read it into the record, we don't  
13          have to make it an agenda item?

14          Is that correct?

15          SANDY CHESNUT: Since that agenda item is  
16          already on the agenda, we can just take it up with that  
17          K.6, and he has the option of presenting it himself under  
18          K.6. If he doesn't, you-all have it in your packet to  
19          look at and consider, but we will have to take it up as  
20          part of K.6.

21          Does that answer your question?

22          COMMISSIONER HAVARD: It does, yes, ma'am.

23          SANDY CHESNUT: Okay.

24          COMMISSIONER HAVARD: So I guess that brings us  
25          back to the point at hand.

1 Can we get approval for the agenda as written?

2 COMMISSIONER GOLLOTT: I think that should be as  
3 modified. Point of order.

4 SANDY CHESNUT: We could do a modification with  
5 the notation that Petition for Reconsideration will be  
6 considered under K.6, and, then, it is very clear for the  
7 record.

8 COMMISSIONER BOSARGE: I'll make that motion  
9 that we -- I guess we would change the agenda to reflect  
10 those things.

11 Sandy, how do I need to put that?

12 SANDY CHESNUT: You could just modify it to note  
13 that the Petition for Reconsideration will be considered  
14 with Item K.6.

15 COMMISSIONER BOSARGE: Okay. So we will amend  
16 the agenda to include a Petition for Reconsideration in  
17 K.6.

18 SANDY CHESNUT: Perfect.

19 COMMISSIONER HAVARD: I have a motion.

20 Do I have a second for the motion?

21 COMMISSIONER GUESS: I'll second it.

22 COMMISSIONER HAVARD: I have a motion and a  
23 second.

24 All those in favor say aye.

25 COMMISSIONER HAVARD: Aye, Mark Havard.

1           COMMISSIONER BOSARGE: I guess we need to go  
2 beauty first. Natalie, we are going to give you the next  
3 shot.

4           COMMISSIONER GUESS: Commissioner Guess, aye.

5           COMMISSIONER BOSARGE: Steve Bosarge, aye.

6           COMMISSIONER GOLLOTT: Richard Gollott, aye.

7           COMMISSIONER DANIELS: Ronnie Daniels, aye.

8           COMMISSIONER HAVARD: Motion moves. So we have  
9 an approved agenda.

10           That brings us up to the Executive Director's  
11 Report.

12           What have you got for us, General?

13           JOE SPRAGGINS: I've got a couple of things real  
14 quick.

15           First off, I wanted to give you an update on the  
16 Bonnet Carre. Right now, we are still operating with  
17 eighty bays open. There are still about eighty-one  
18 thousand cubic feet per second going through it. We had  
19 thought last week that we would start closing it, and we  
20 did. They closed about ten bays, and, then, the water  
21 started coming more in force. So they had to leave it at  
22 that point. I have not gotten an update today.

23           Joe, I don't know if you have one, or not.

24           Do you have one, Joe?

25           (No response.)

1           JOE SPRAGGINS: Must not.

2           We don't have any update as today, but the  
3 projection right now is because of the river and the  
4 amount of rainfall that we had over the last few weekends  
5 that it will probably stay open until the end of April,  
6 and that is what we were looking at originally, but they  
7 still, hopefully, will be able to keep it under that  
8 eighty bays, around eighty bays. If that is the case, it  
9 will still be a lot less impact than we had last year.

10           Once we get past the end of April and we have it  
11 continued open, we are going to have to really start  
12 looking at it very hard as to any damage and what could  
13 happen.

14           Any questions on the Bonnet Carre, sir?

15           COMMISSIONER HAVARD: No, sir. I appreciate the  
16 briefing.

17           JOE SPRAGGINS: As far as our agency, we are  
18 will operating ninety to ninety-five percent at home. We  
19 still have a handful coming in. We are still doing Marine  
20 Patrol and we are also doing a lot of testing out in the  
21 water.

22           Joe Jewell's office and them are doing a lot of  
23 testing on the Bonnet Carre water to make sure that we  
24 keep a record of what we are doing there, but we have not  
25 changed any of what we had in the last few weeks. We are



1 still operating as normal.

2 Any questions on that?

3 COMMISSIONER HAVARD: No, sir.

4 JOE SPRAGGINS: The other thing is employment  
5 contracts.

6 COMMISSIONER HAVARD: Real quick, Joe, I do have  
7 something on that. We need to give thanks to our IT  
8 Department for helping everyone be able to operate  
9 efficiently from home because that is challenging. That  
10 is not as easy as saying, hey, guys, y'all got to work  
11 from home today. The IT folks have to really step up to  
12 the plate and address probably four times the issues that  
13 they normally would. We appreciate the IT Department for  
14 all the work that they have done through this time in our  
15 nation.

16 JOE SPRAGGINS: I agree one hundred percent,  
17 sir. They have done a fantastic job, and we do appreciate  
18 them very much.

19 One other quick thing. The Bonnet Carre funding  
20 for 2011 that we worked on a couple of weeks ago, we have  
21 gone out to the point now that we have asked NOAA. NOAA  
22 has asked for some more information on exactly how we are  
23 going to spend the money. We are getting things clarified  
24 there.

25 In the meantime, what we are doing is trying to

1 make sure that we have a group of eligible people for it.  
2 So we are going out and we have advertised it. We have  
3 put a public notice out and we have also put flyers out  
4 and they have applications and we have ways for people to  
5 get an application. We are working on that every day.

6 We are trying to get the applications by the 24<sup>th</sup>  
7 which will be this Friday so we can start moving forward  
8 with that. This is basically to see who is qualified.  
9 Once we get who is qualified, then, we will go into a  
10 phase one, and, then, a phase two of it.

11 We will keep you abreast of what is going on  
12 there, but hopefully we will get a good idea of how many  
13 are qualified by the end of this week.

14 Any questions on that?

15 (No response.)

16 JOE SPRAGGINS: Employment contracts.

17 The next slide, please.

18 These are new employees that we have. I won't  
19 take the time to read every one of them, but these are the  
20 ones from the 2<sup>nd</sup> of February and all the way up to the  
21 first of this month.

22 We are still able to hire people. We are having  
23 trouble with some things on it, but mainly we can hire and  
24 we are working good and everything is going fine.

25 Any questions?

1 (No response.)

2 JOE SPRAGGINS: Next slide.

3 This is the only contract that we have that we  
4 have to talk about at this point, and that is a master  
5 contract with USM to do the Mid-Breton Sediment Diversion  
6 Assessment.

7 what we are talking there is basically it is a  
8 hundred percent funded by Tidelands, and we are going to  
9 go out, look at the water, test it and be able to -- Dr.  
10 Mickle, would you talk real quick on that?

11 PAUL MICKLE: Sure.

12 This is a contract under an umbrella contract  
13 with Southern Miss specifically utilizing spacial modeling  
14 to look at the Mid-Breton Sediment Diversion project.

15 Y'all have been briefed on this project. It has  
16 not been built yet in Louisiana. They are in the current  
17 phrase of acquiring the EIS and finalizing the EIS.

18 The State of Mississippi deemed it important  
19 enough to do some spacial modeling and run scenarios of  
20 water coming through this diversion, if it is built.

21 The current size of the diversion is seventy-  
22 five thousand CFS max flow. This model that we have  
23 contracted with Southern will look at all different  
24 scenarios of how much water can be put through that  
25 sediment diversion project, if it is built, certain months

1 of the year at certain discharge amounts and really  
2 determining spatially if that water will impact the  
3 jurisdictional state waters of Mississippi.

4 My main function here is to make sure, under all  
5 these scenarios, if we are receiving certain amounts of  
6 water from this sediment diversion project, we want to  
7 identify how much is entering state waters and what the  
8 impact would be, if any.

9 This spacial model will hopefully serve to calm,  
10 or bring more attention to look at it closer because there  
11 might be an impact, or there might not be an impact, from  
12 this potential structure.

13 JOE SPRAGGINS: Any questions on that?

14 (No response.)

15 JOE SPRAGGINS: This will hopefully give us  
16 something to work with to be able to decide if the  
17 diversion is going to hurt us, or help us. It will give  
18 us a lot of ideas, a lot better than what we have.

19 One thing, Commissioner Havard, we do have about  
20 thirteen comments, public comments.

21 Do you want to use that one-and-a-half minutes  
22 this time, or do you want to use the three minutes?

23 COMMISSIONER HAVARD: I think the one-and-a-half  
24 minutes ought to be plenty of time to get their points  
25 across.

1           JOE SPRAGGINS: All public comments for this  
2 meeting will be one-and-a-half minutes.

3           Is that correct?

4           COMMISSIONER HAVARD: Yes, sir.

5           JOE SPRAGGINS: Do we have to vote on that?

6           Do we need a vote on that?

7           SANDY CHESNUT: Yes.

8           JOE SPRAGGINS: Sandy says we need to vote on  
9 it, Commissioner Havard.

10          COMMISSIONER HAVARD: Do I have a motion to  
11 limit the public comment to one-and-a-half minutes?

12          COMMISSIONER GUESS: I'll make the motion to  
13 limit public comments to one-and-a-half minutes.

14          COMMISSIONER HAVARD: I have a motion.

15          Do I have a second for the motion?

16          COMMISSIONER DANIELS: I'll second that.

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

19          All those in favor say aye.

20          COMMISSIONER GOLLOTT: Commissioner Gollott,  
21 aye.

22          COMMISSIONER HAVARD: Aye.

23          Natalie?

24          COMMISSIONER GUESS: Aye.

25          COMMISSIONER HAVARD: Commissioner Bosarge?

1           COMMISSIONER BOSARGE: I'm going to vote nay on  
2 that, Mark. Sorry about that.

3           COMMISSIONER HAVARD: Commissioner Daniels.

4           COMMISSIONER DANIELS: Aye.

5           COMMISSIONER HAVARD: Motion moves.

6           JOE SPRAGGINS: That's all I have, sir.

7           COMMISSIONER HAVARD: We appreciate your report  
8 there, General.

9           Next is Commissioners Report.

10          Do we have any Commissioners that would like to  
11 speak about any issues that they might be aware of?

12          (No response.)

13          COMMISSIONER HAVARD: I have one quick issue.

14          Dr. Paul Mickle, we have spoken about the -- in  
15 layman terms, I believe they call it Koi Kandy in the  
16 eastern part of the state. I know that there were some  
17 issues with it last year about it being invasive species  
18 in a bayou. It took over the bayou. At some point, it  
19 was sprayed with herbicide and blown out of that bayou.

20          That stuff through the winter, it is in the  
21 marsh grass alive and well and, starting about two, or  
22 three, weeks ago, it is all the way up in Bluff Creek and  
23 in our estuaries, and it is healthy and growing rapidly.

24          I just think that it is something that we need  
25 to be aware of that is out there and it won't be long that

1 it is going to be an issue, I believe, that we are going  
2 to take action on because it is such an invasive species  
3 and this stuff grows really, really fast.

4 PAUL MICKLE: Your report is correct. It was a  
5 major issue last year with the excessive rainfall and the  
6 continued openings of the Bonnet Carre in 2019.

7 This year it is starting to proliferate again.  
8 We have gotten reports from residents on Sioux Bayou  
9 specifically of some increased presence of the species  
10 being exotic and proliferating because of decreased  
11 salinities and just the high nutrients and runoff that we  
12 get, when we have rain events. When it comes in, it just  
13 has everything it needs to really grow.

14 We have acquired a specialized vessel that can  
15 get in there. The air-cooled engine, I think you have  
16 been briefed on, to get in there and spray an herbicide  
17 that has been proven in the literature and in our past  
18 experience is the most efficient way for treatment of this  
19 species in small areas such as these coastal canals.

20 The good news is that we are not a landlocked  
21 system like some lakes north of us, when this species is  
22 present.

23 Once salinities in the summertime get high  
24 enough, it dies off pretty quickly, but, as of right now  
25 in late spring and early summer, it does very well because

1 of the nutrients and the freshwater.

2 I did look at what the activities have been  
3 recently in that area of treatment, as to your question,  
4 and we have been spraying, but the COVID-19 has caused the  
5 stay-at-home orders and some staff to not be able to spray  
6 as much, but we can certainly revisit that, as the  
7 restrictions change in the future, and make sure that it  
8 is a top priority of the agency to control in those small  
9 areas.

10 COMMISSIONER HAVARD: I would appreciate that,  
11 Dr. Paul. I just know that it is an issue that we need to  
12 keep a close eye on because of its rapid reproduction. As  
13 long as you guys are aware of it and you are monitoring  
14 it, that is all I can ask. So I appreciate that.

15 JOE SPRAGGINS: Commissioner Havard, Jan Boyd's  
16 area is doing that. They are working it. They have a  
17 specialized team that has been hired just to do that, and  
18 I don't know if Jan is on.

19 Is there something Jan would like to address to  
20 that?

21 BRADY SMITH: Director, Jennifer Wittmann is on  
22 and she is asking to speak.

23 JOE SPRAGGINS: Who is?

24 PAUL MICKLE: Jennifer Wittmann.

25 JOE SPRAGGINS: Go ahead and let Jennifer speak.



1 BRADY SMITH: Jennifer, your mike is live.

2 JENNIFER WITTMANN: Thank you, Brady.

3 Good morning Commissioner Havard and the rest of  
4 the Commissioners.

5 The Coastal Preserves staff has been out up  
6 until the first part of April spraying throughout the  
7 Pascagoula River, primarily in Bluff Creek and in Sioux  
8 Bayou, and we have been out there usually two times a week  
9 trying to get into some of those areas where deep within  
10 the marsh the Giant Salvinia has been continuing to grow.

11 As Dr. Mickle said, due to the restrictions with  
12 COVID-19, we have not been able to be out and spray since  
13 the beginning of April. We know that it is a problem and  
14 just as soon as we are able to get back out, we are going  
15 to hit it very hard and we will try to be out as  
16 frequently as possible to try to knock back the Salvinia  
17 that we know is starting to take off.

18 COMMISSIONER HAVARD: Very good. Thank you.

19 JENNIFER WITTMANN: You're welcome.

20 JOE SPRAGGINS: Commissioner Havard, you have  
21 one other point that you had brought up back in March. It  
22 asked for us to be able to put the Spotted Seatrout  
23 Endorsement on that you wanted to talk about. So we put  
24 that back on the April meeting and that is under  
25 Commissioners Report, also.

1           COMMISSIONER HAVARD: I have had multiple folks  
2 reach out to me from the commercial world about the  
3 Spotted Seatrout Endorsement. The twenty percent that we  
4 put in place, as far as twenty percent of your income must  
5 come from the seafood industry, makes it very difficult  
6 for a lot of these hook-and-line mostly fishermen to get  
7 their Spotted Seatrout Endorsement.

8           I would like for us to relook at that and maybe  
9 ask for Finfish to tell us more about the quota, was the  
10 quota able to be met based off of the few hook-and-line  
11 guys that are left, as well as the couple of net folks  
12 that are left, were we able to reach our quotas and, if  
13 not, can we look at changing that requirement maybe back  
14 to what it was before.

15           JOE SPRAGGINS: Matt Hill has a presentation he  
16 would like to give you.

17           COMMISSIONER HAVARD: Okay. Go ahead, Matt.

18           MATT HILL: I will just run through this.

19           You somewhat touched on the background,  
20 Commissioner Havard. It did first appear on the March 17<sup>th</sup>  
21 CMR agenda which was canceled due to the COVID-19  
22 situation. It was subsequently not considered at the  
23 March 31<sup>st</sup>, nor at the April 7<sup>th</sup> CMR Special Session.

24           I'm having a little problem with the screen.

25           JOE SPRAGGINS: Let Brady have control of it and

1 let him put it back up.

2 BRADY SMITH: Can you see the screen, Matt?

3 MATT HILL: That's perfect. That's the one I  
4 wanted right there.

5 BRADY SMITH: All right. Tell me to advance the  
6 slides and I will advance them for you.

7 MATT HILL: Okay.

8 Beginning in 2014, we did enact the endorsement,  
9 the original endorsement. I won't read through this whole  
10 thing. I will just touch on the high points.

11 It was proof of five thousand dollars worth of  
12 seafood sales for any consecutive twelve consecutive  
13 months, or ten percent of net income, from commercial  
14 fishing activities.

15 This endorsement was valid for three years, at  
16 which time it had to be renewed. However, you could use  
17 the same proof of the five thousand, or the ten percent  
18 income. Basically, they would just come in and nothing  
19 else was checked.

20 Next slide, Brady.

21 BRADY SMITH: It might have a little delay, but  
22 I'm on the current SST Endorsement Rules slide.

23 COMMISSIONER HEBERT: In the 2019 season, we did  
24 implement a stronger endorsement which was twenty percent  
25 of taxable income came from commercial fishing activities.

1 One of the key things about this one was it was verified  
2 through the Trip Ticket System and it had to be renewed  
3 annually.

4 Next slide, Brady.

5 To your questions, Commissioner Havard, the  
6 current quota is fifty thousand pounds which was set by  
7 the CMR in 2012.

8 In 2019, the Spotted Seatrout commercial  
9 landings were thirty-seven thousand one hundred and fifty-  
10 five pounds.

11 Some of the contributing factors. We see where  
12 the Bonnet Carre was opened twice in one year for a total  
13 of a hundred and twenty-three days, displacing Spotted  
14 Seatrout populations. Algae blooms in the Mississippi  
15 Sound during 2019 also did suppress the market causing  
16 less demand for Spotted Seatrout.

17 Currently in 2020, the commercial landings --  
18 and we have the update -- is five thousand two hundred and  
19 twenty-three pounds.

20 Historic data from 2019 indicate approximately  
21 seventy-nine hundred pounds were landed compared to the  
22 five thousand two hundred and twenty-three to date in  
23 2020.

24 The difference between these landings are  
25 attributed to the impacts of the COVID-19 Pandemic on the

1 demand for seafood, including Spotted Seatrout.

2           There are some contributing factors, but, as you  
3 said, the quota was not met last year and we are not on a  
4 course to currently meet it this year. We obviously have  
5 some things working against us, but that is where we are  
6 currently with the endorsement.

7           COMMISSIONER GOLLOTT: Can I say something,  
8 General?

9           This is Commissioner Gollott. I know Steve and  
10 myself were here when these quotas were come up with and  
11 it was a hell of a knock down and drag out. I don't see  
12 any reason to change it. I mean, like I say, it was a  
13 heck of a fight getting what we got and the way it is set  
14 up and everything is to slow down net fishing and  
15 commercial fishermen so that recreational fishermen will  
16 get their share. I don't see any reason to change it.

17           COMMISSIONER BOSARGE: Yes. I kind of want to  
18 agree with what Commissioner Gollott said. During this  
19 meeting, we are going to talk about quotas and sector  
20 separation and who gets what and, here again, this quota  
21 began back in 1996, I believe it was, where we carved out  
22 forty thousand pounds for the commercial sector and this  
23 quota has since been increased, I think, to fifty thousand  
24 pounds. We did that maybe five, or six, years ago.

25           Once again, this is the quota for the commercial

1 sector for commercial fishermen. When we put this Spotted  
2 Seatrout Endorsement in place, it was to protect those  
3 commercial fishermen where we would be sure that whatever  
4 fish were caught in this quota would be caught by  
5 commercial fishermen and, like Commissioner Gollott said,  
6 there was a lot of debate went into it and we came up with  
7 what we felt was the least intrusive and least amount of  
8 qualifiers we could put in to make it where the most  
9 people, that is the most commercial fishermen would  
10 actually be able to get that endorsement.

11 I'm satisfied with where it is. I think if we  
12 need to see anything, it would probably be we haven't had  
13 the Spotted Seatrout -- I lost my train of thought.

14 Anyhow, I'm good with it the way it is.

15 The stock assessment for Spotted Seatrout is  
16 what we haven't seen yet. Maybe that would answer some  
17 questions.

18 COMMISSIONER HAVARD: I didn't want to bring  
19 this up to talk about a quota, as far as changing the  
20 quota. I think the fifty thousand pounds is fine where it  
21 is.

22 I have just had a lot of people reach out with  
23 the qualifications for getting your endorsement, since it  
24 has changed, to open the door so that way a few more folks  
25 can have the opportunity to go out there and fish

1 commercially and to put seafood in our market. That was  
2 the only reason I wanted to bring this up.

3 COMMISSIONER GOLLOTT: Mark, let me say this.  
4 The whole thing was and the reason the big fight was, we  
5 had a lot of recreational people selling commercial fish,  
6 and this was all designed to stop that and I think it has  
7 done that, and maybe that is the reason they are bitching  
8 is because they can't sell their recreational fish and pay  
9 for their boats and their fishing trips.

10 COMMISSIONER HAVARD: I don't think it has  
11 anything to do with the recreational fishermen are selling  
12 from the recreational side. That is more of an  
13 enforcement issue.

14 COMMISSIONER BOSARGE: Mark, that is what the  
15 whole thing was about originally. I don't think you were  
16 here then, but that is what it was all about.

17 COMMISSIONER HAVARD: I was here during this  
18 session and I participated with this discussion. So, yes,  
19 I recall this from the beginning to when we changed it  
20 last year. I'm familiar with all the different points  
21 that were made during the discussion, but I still am  
22 getting a lot of people that you represent, Steve,  
23 reaching out that are concerned about the endorsement  
24 because what it does is, when you raise it to twenty  
25 percent of your income, it makes it really difficult for

1 most folks to get the endorsement and it only allows just  
2 a couple of people to participate in the fishery is the  
3 reason that I wanted to bring it up.

4           It's not an action item at this point. I just  
5 wanted to discuss it and show that we were not able to  
6 reach the fifty thousand pounds that were allotted and it  
7 doesn't look like, regardless of the reasons -- there are  
8 multiple reasons we could talk about and we could blame it  
9 on a bunch of different things that have happened that are  
10 beyond our control, but it is something that we need to  
11 keep a close eye on and we need to continue to look at  
12 because I believe we have room in our speckled trout  
13 fishery to let the commercial guys catch fifty thousand  
14 pounds and I would like to see that done and I don't want  
15 to see the commercial guys leave anything on the table in  
16 this speckled trout industry.

17           That is the only reason I wanted to bring it up,  
18 just to show that the quota has not been met.

19           Matt, do you have any idea what happened in  
20 2018, or was that the net issue year?

21           MATT HILL: In 2018, it was some of the net  
22 issue, but we also had a hundred and forty-eight  
23 endorsements and it was trending up all the way from 2015.  
24 we had a hundred and ten, and we ended up with a hundred  
25 and forty-eight in 2018. It was coming to a head and



1 obviously the net pushed it over, but we did reach the  
2 quota, obviously, in 2018.

3 COMMISSIONER GOLLOTT: My suggestion would be to  
4 let these commercial people get in touch with Steve  
5 Bosarge and myself -- we represent them -- and give us the  
6 reasons why we should.

7 The last thing I remember was we had a lot of  
8 recreational people raising Cain. We even had senators  
9 and representatives raising Cain because they couldn't go  
10 out and catch fish and sell them.

11 I am adamantly opposed to changing this. This  
12 has culled out a lot of recreational people selling  
13 commercial fish.

14 COMMISSIONER HAVARD: Well, that is the end of  
15 my discussion, unless any of you guys have got anything  
16 else you would like to add. I just wanted to bring it to  
17 the surface and let us discuss it just briefly and not  
18 take up too much time.

19 Any other discussions on the endorsement,  
20 speckled trout endorsement?

21 (No response.)

22 COMMISSIONER HAVARD: That brings us to Office  
23 of Marine Patrol. I can't speak this morning.

24 Assistant Chief Kyle Wilkerson, what have you  
25 got for us?

1 KYLE WILKERSON: Good morning Commissioners,  
2 Director, counsel.

3 How are you guys doing?

4 You are looking good. Everybody looks well.

5 Here's what we've got, if y'all have it in front  
6 of you.

7 we had several oyster violations that happened  
8 last month. I want to say a total of five, two  
9 individuals.

10 we had a shrimping-in-closed-water case which  
11 was a good citation. The vessel actually was out of  
12 Alabama and no resident shrimping license. Its TEDs were  
13 sewn up and also its BRD was sewn up. So it was a very  
14 good stop, in my opinion.

15 That is really the only thing that really jumps  
16 out to me.

17 I can entertain any questions on Marine Patrol  
18 as a whole.

19 COMMISSIONER HAVARD: I don't have any questions  
20 at this time, Mr. Wilkerson.

21 Does anybody else?

22 COMMISSIONER BOSARGE: No, sir.

23 COMMISSIONER HAVARD: Thank you.

24 That brings us on to Office of Coastal Resources  
25 Management, Mr. Jan.

1 JAN BOYD: No report.

2 JOE SPRAGGINS: He has no report, Mark.

3 COMMISSIONER HAVARD: Okay. I'm sorry about  
4 that.

5 Mr. George, Office of Coastal Restoration and  
6 Resiliency.

7 JOE SPRAGGINS: He doesn't have any  
8 presentation.

9 COMMISSIONER HAVARD: No presentation.  
10 Office of Finance and Administration, Ms. Leslie  
11 Brewer. I know there is always stuff to talk about in  
12 accounting.

13 LESLIE BREWER: Good morning. My name is Leslie  
14 Brewer, CFO.

15 Y'all can hear me.

16 Right?

17 COMMISSIONER HAVARD: Yes.

18 LESLIE BREWER: I was making sure.

19 I will presenting financials for the month  
20 ending March 31<sup>st</sup>, 2020.

21 Next slide, Brady.

22 At the end of March, our State Revenue was four  
23 point four million. Our Total Agency Revenue was twenty-  
24 one point seven million.

25 Our State Net Income was a negative five hundred

1 and eighty-seven thousand, and our Total Agency Net Income  
2 was two point three million.

3 Next slide, please, Brady.

4 After nine months of fiscal year 2020, we have  
5 sixty-four point seven percent of our Operating Budget  
6 remaining, while the Tidelands Budget has twenty point  
7 nine percent remaining.

8 We are also waiting on our State appropriations  
9 of approximately one point one million which we won't  
10 probably get until October.

11 Does anyone have any questions?

12 COMMISSIONER HAVARD: I don't, at this time,  
13 Leslie. I appreciate you presenting that to us.

14 LESLIE BREWER: Okay. Thank you.

15 COMMISSIONER HAVARD: That brings us down to Ms.  
16 Charmaine, the lady who keeps us all informed with some  
17 good reads.

18 What have you got for us this morning?

19 Ms. Charmaine, do you have anything for us?

20 CHARMAINE SCHMERMUND: I do. Sorry. He just  
21 told me that it was just unmuted. I was talking, but I  
22 didn't realize it wasn't unmuted.

23 Can you hear me?

24 COMMISSIONER HAVARD: Yes.

25 CHARMAINE SCHMERMUND: Good morning.

1           The Mississippi Department of Marine Resources  
2 was mentioned thirty-nine times in local, state and  
3 national media since the February CMR meeting.

4           Popular news items included the Bonnet Carre  
5 spillway opening, the Commission's extension of commercial  
6 fishing licenses expirations and the announcement of our  
7 state's GOMESA funds for the year.

8           In February, Director Spraggins attended the  
9 Gulf States Marine Fisheries Commission Delegation  
10 Meetings in Washington, D.C. and the Gulf States Marine  
11 Fisheries Commission 70<sup>th</sup> annual spring meeting in March.

12           Our agency had their annual Capitol Day in  
13 Jackson where we represented the MDMR in the State  
14 Capital. Our administration and staff talked to  
15 legislators and visitors in the capitol about the agency  
16 and our efforts to enhance, protect and conserve  
17 Mississippi's marine resources.

18           Marine Patrol taught one boat-and-water safety  
19 class since February's CMR meeting and certified ten  
20 students. So far in fiscal year 20, Marine Patrol has  
21 taught seven classes and certified one hundred and sixty-  
22 six students.

23           Marine Patrol attended Career Days for Pass  
24 Christian Middle School, Central Elementary School, North  
25 Bay Elementary School and Anniston Elementary School.

1 They also hosted a student from Ocean Springs for a job-  
2 shadowing day in February.

3 Michael Lee with the Aquaculture Facility in  
4 Lyman also took part in a Career Day at Moss Point High  
5 School in March.

6 Mike Pursley in the Office of Coastal Resources  
7 Management had the article, "Protecting Mississippi's  
8 Waterways From Aquatic Invasive Species" featured in Water  
9 Log by the Mississippi-Alabama Sea Grant Legal Program.

10 In March, Coastal Restoration and Resiliency and  
11 the Mississippi Gulf Coast National Heritage Area  
12 participated in the Paddle the Gulf meeting, Gulf Coast  
13 Outpost Next Generation meeting and Mississippi Historical  
14 Society annual meeting. They also hosted the Leadership  
15 Gulf Coast lunch and lecture at the Charnley-Norwood  
16 House, as well as giving a presentation to the Jackson  
17 County Board of Supervisors regarding a partnership on  
18 nature-based tourism.

19 Rhonda Price in National Heritage Area and  
20 Office of Marine Fisheries staff Rick Burris and Jeremy  
21 Timbs attended the 49<sup>th</sup> Annual U.S. Fish and wildlife  
22 Service Wildlife and Sportfish Restoration Program  
23 Coordinator's Meeting in Charleston, South Carolina.

24 The Grand Bay NERR continued their work with the  
25 VA and had vets out for kayaking in Bayou Heron, as well

1 as working with the Student Conservation Association group  
2 they have staying at the NERR, or they did have staying at  
3 the NERR. They worked on thinning small trees in recently  
4 burned areas. They also hosted Moss Point High School as  
5 part of the CHANGES program that looks at restoration and  
6 land management science with hands-on activities and  
7 conducted a field trip for 4<sup>th</sup> graders from Vancleave  
8 Elementary School as part of their On-the-Road Program.

9 The NERR also hosted an R workshop to teach the  
10 basics of the statistical software, and Kim Cressman, the  
11 NERR SWMP Coordinator, served as the instructor.

12 Office of Marine Fisheries staff Emily  
13 Satterfield, Trevor Moncrief, Eric Gigli, Josh Waters,  
14 Katya Jagolta, Charlie Robertson, Alicia Carron, Katherine  
15 Glover and Jeremy Timbs participated in the workshop.

16 Finfish Bureau's Jon Barr facilitated the second  
17 Mississippi Commercial Shark Endorsement Identification  
18 and Safe Handling Workshop on March 10<sup>th</sup> at MDMR.

19 Shellfish Bureau's Erik Broussard, Jason Rider  
20 and Emily Flaherty participated in the Oyster South  
21 Symposium February the 20<sup>th</sup> through the 23<sup>rd</sup> in Wilmington,  
22 North Carolina. This National Sea Grant collaboration  
23 brought together oyster aquaculture stakeholders to  
24 discuss pressing issues and relevant, practical research.

25 Shellfish Bureau's Charlie Robertson shared a

1 presentation with the Pascagoula Rotary Club at their  
2 meeting March 4<sup>th</sup>. He discussed management of oyster  
3 resources in Mississippi, compliance with FDA regulations,  
4 assessment of the public resource, informing about  
5 restoration and oyster aquaculture.

6 The Gulf States Marine Fisheries Commission held  
7 their 70<sup>th</sup> annual spring meeting March 9<sup>th</sup> through the 12<sup>th</sup>  
8 in Gulf Shores, Alabama, and the following Fisheries  
9 Office staff representing Mississippi:

10 Joe Jewell and Matt Hill on the Technical  
11 Coordinating Committee.

12 Erik Broussard and Charlie Robertson on the  
13 Molluscan Shellfish Committee.

14 Jason Saucier on the Technical Coordinating  
15 Committee Crab Subcommittee.

16 Darrin Stewart and Megan Fleming on the  
17 Fisheries Information Network Committee.

18 As a result of their networking at the Oyster  
19 South meeting on March 12<sup>th</sup>, Erik Broussard and Jason Rider  
20 met in Dauphin Island, Alabama, with members of Auburn  
21 University's Shellfish Laboratory to discuss a future  
22 graduate project and possible inclusion of a Mississippi  
23 site in said project, as well as ideas to better include  
24 the needs of Mississippi's oyster farmers.

25 That's it.



1           COMMISSIONER HAVARD: Very good. I appreciate  
2 that, Charmaine. It is always nice to see the educational  
3 outreach that everybody does because most of the  
4 questions, or some of the questions that we get as  
5 Commissioners, once we educate those folks on what facts  
6 we have found and what we have learned, they understand.  
7 They have a better understanding of how our fishery is  
8 managed.

9           We appreciate the educational outreach and you  
10 bringing it to our attention.

11           Thank you.

12           CHARMAINE SCHMERMUND: Thank you.

13           JOE SPRAGGINS: Commissioner Havard.

14           COMMISSIONER HAVARD: Yes, sir.

15           JOE SPRAGGINS: If I could, would you mind if  
16 Kyle gave an update on what is open as far as our waters  
17 and fishing right now as far as the public?

18           COMMISSIONER HAVARD: I think that would be a  
19 great idea.

20           JOE SPRAGGINS: All right. If you could unmute  
21 Kyle and let him give that.

22           KYLE WILKERSON: Can you guys hear me?

23           COMMISSIONER HAVARD: Yes, sir.

24           KYLE WILKERSON: We are going to talk about  
25 beaches first. Harrison County's beach is open. I know

1 the Governor said he was opening up all beaches, but, as  
2 of this morning, Jackson County's beach is going to be  
3 closed until April the 27<sup>th</sup>. Hancock County is going to be  
4 closed until May the 4<sup>th</sup>. I just got off the phone with  
5 them.

6           Pertaining to waters and the rivers, they are  
7 open for fishing, as long as we don't have groups of ten,  
8 or more, in the vessels. They can be dispersed like you  
9 said. Two, or three, per boat is fine, as long as the  
10 boat is the proper size.

11           Around the barrier islands, you can fish around  
12 the barrier islands, but you cannot get on the beach.

13           JOE SPRAGGINS: Now, Kyle, that is for the  
14 National Park Service.

15           Right?

16           KYLE WILKERSON: That's correct, National Park  
17 Service.

18           JOE SPRAGGINS: Now, we still have Deer Island  
19 and Cat Island that are open?

20           KYLE WILKERSON: Yes. Deer Island, being a  
21 State-owned Island, is open. Cat Island, also. There are  
22 parts of Cat Island that are Federal, but that doesn't  
23 really pertain to the beach, or the fishing.

24           JOE SPRAGGINS: Anybody can get on the beaches  
25 there.

1 Correct?

2 KYLE WILKERSON: Yes.

3 JOE SPRAGGINS: Commissioner Havard, does that  
4 makes sense to everyone about that?

5 COMMISSIONER HAVARD: It does, and we all  
6 receive a lot of phone calls.

7 when are they going to open the islands?

8 when can we go get on the beach?

9 I know that is out of our hands, but, Kyle, do  
10 you have any foresight of when they might open?

11 KYLE WILKERSON: Yes. The National Seashore,  
12 they talked yesterday. We don't have an answer, but they  
13 did meet yesterday to see when to open up the beaches.  
14 They pretty much try to mimic what we do as a state, but,  
15 right now, they have to deal with Washington.

16 I'm not even going to make that opinion, but I'm  
17 seeing probably pretty soon. We will check today and we  
18 will make sure everybody knows about it.

19 COMMISSIONER HAVARD: Okay. I would appreciate  
20 that.

21 JOE SPRAGGINS: Commissioners, we will keep  
22 y'all abreast and everyone, if anything changes on it. We  
23 just wanted to give you an update because we all get a lot  
24 of phone calls.

25 COMMISSIONER HAVARD: That brings us to Office

1 of Marine Fisheries, Mr. Joe Jewell.

2 what kind of good information have you got for  
3 us today, Joe?

4 JOE JEWELL: Good morning Commissioners.  
5 We have seven items on the agenda for your  
6 consideration.

7 First up is Matt Hill. He is going to be  
8 presenting the first two items for regulatory changes and  
9 reporting requirements.

10 COMMISSIONER HAVARD: Matt.

11 MATT HILL: Brady, I've got it?

12 BRADY SMITH: Yes, you have control.

13 MATT HILL: This is going to be the Charter For-  
14 Hire Reporting Requirements found in Title 22 Part 9  
15 Chapter 11 Section 101.

16 BRADY SMITH: Matt, there is about a four, or  
17 five, second delay on slide changing.

18 MATT HILL: A little bit of background. I know  
19 we have had several discussions on this issue.

20 So to refresh everyone's memory, at the November  
21 2019 CMR meeting the following motions were passed  
22 regarding the Charter For-Hire Reporting Program.

23 Motion Number 11, to forego moving forward with  
24 this particular project.

25 Motion Number 13, asking for staff to come back

1 at the next meeting with language that requires reporting  
2 pursuant to Title 22, Part 9, Chapter 11, paragraph 101.

3 At the December 2019 CMR meeting, the following  
4 motion was passed regarding the same issue:

5 Motion 10, for Staff to review pertinent  
6 sections of Title 22 Part 9 and bring back updated  
7 language and options to improve the reporting system  
8 within ninety days.

9 At the March 2020 CMR meeting, another motion  
10 was passed regarding this issue:

11 Motion 3, to table this until the April meeting  
12 without any changes to how we currently operate the  
13 program.

14 Just so everyone is on the same page, the  
15 current regulation reads, in Title 22 Part 9 Chapter 11:

16 "Section 101. Charter and Head Boat  
17 Reporting.

18 "Charter Boat and Head Boat captains  
19 operating in Mississippi waters shall  
20 be required to complete questionnaires  
21 furnished by the MDMR for each trip.

22 Completed questionnaires shall be  
23 furnished to an information  
24 confidentiality officer upon request.

25 In addition to the reporting required

1           pursuant to this paragraph, the following  
2           reporting is also required.”

3           And that goes on to talk about the Tails n’  
4 Scales Program.

5           Some options for Fore-Hire Reporting.

6           To continue with our current approach which is  
7 the MRIP Charter For-Hire Procedures.

8           In order for us to be compliant with our  
9 regulations, this would require a modification of language  
10 in Title 22 Part 9 because this is a voluntary program.  
11 It would need to read:

12           “section 101 Charter and Head Boat  
13 Reporting.

14           “Charter Boat and Head Boat captains  
15 operating in Mississippi waters may  
16 complete questionnaires furnished by  
17 the MDMR. Completed questionnaires  
18 shall be furnished to an information  
19 confidentiality officer upon request.  
20 In addition to the reporting required  
21 pursuant to this paragraph, the  
22 following reporting is also required.”

23           Again, that is the Tails n’ Scales Program  
24 covered in the regulation.

25           Option two. Establish a charter for-hire

1 reporting component within the Trip Ticket Program  
2 administered with Gulf States and Bluefin Data as the  
3 avenue to get this done.

4 we could have this action ready and implemented  
5 by January 1<sup>st</sup> of 2021.

6 JOE SPRAGGINS: Commissioner Daniels, we do have  
7 one public comment on this, too.

8 COMMISSIONER DANIELS: Okay. Thank you, Joe.

9 COMMISSIONER HAVARD: Are we ready to hear any  
10 comments, or any discussion, that needs to be had prior to  
11 hearing our public comment?

12 COMMISSIONER BOSARGE: Matt, this is  
13 Commissioner Bosarge. Just to go back over those motions  
14 that were made. The motion not to proceed forward with  
15 this program was when we were talking about the four  
16 hundred and twenty-five thousand dollars it was going to  
17 take to put in place a program that mimicked the Tails n'  
18 Scales.

19 Is that correct?

20 MATT HILL: That is correct.

21 COMMISSIONER BOSARGE: So that was what was  
22 said, not to proceed with that program.

23 Correct?

24 MATT HILL: Not to more forward with the  
25 project, that particular project. That's correct.

1           COMMISSIONER BOSARGE: And, then, the two  
2 motions that were made after that were basically for staff  
3 to come back to the next meeting with language that  
4 requires reporting pursuant to Title 22 Part 9 Chapter 11  
5 Paragraph 101.

6           MATT HILL: Correct.

7           COMMISSIONER BOSARGE: And, then, the next  
8 motion was for staff to review pertinent sections of Title  
9 22 Part 9 and bring back updated language and options to  
10 improve the reporting system within ninety days.

11           I was looking at your first option and I don't  
12 quite understand how we are improving the reporting system  
13 by that option.

14           Your second option, if we could go back maybe,  
15 Brady, to that option, the slide before this one.

16           Like I say, the first option to me is really not  
17 an option.

18           No, Brady. It would be the one after that one,  
19 the one you were on. I know you've got a delay there. So  
20 you are trying to catch up. Yes, right there.

21           To establish a Charter For-Hire Reporting  
22 component within the Gulf States Program.

23           Can you give us a little more detail?

24           I'm not following you, Matt.

25           MATT HILL: We are currently revamping the Trip



1 Ticket Program to a program called vessel. It is  
2 electronic reporting. There will also temporarily be a  
3 paper option. It is a much better program for the  
4 fishermen. We worked with the fishermen on that program.  
5 That is a mandatory program.

6 In the course of doing this, we have also  
7 decided to add a live bait ticket which is outside of the  
8 Gulf States Program. It is something that we are picking  
9 up the tab on, and an oyster aquaculture ticket which we  
10 are also picking up the tab on.

11 while we were doing that, some of these issues  
12 started to come up and we did some research and South  
13 Carolina is doing a very similar program. So we reached  
14 out to them and they are basically using, through Bluefin  
15 Data, the vessel Program to allow the charter for-hire  
16 reporting component.

17 we have been working on developing the form in  
18 the system. There is no regulatory requirement for that  
19 form, but, while we have this vendor available to us, we  
20 have been actively working on the reporting system for the  
21 charter for-hire industry for the future, as we continue  
22 to work on the live bait and the oyster aquaculture ticket  
23 and revamping the historical system.

24 It is a huge undertaking, but we don't have this  
25 opportunity often. So that is what we are currently

1 doing.

2 COMMISSIONER BOSARGE: It sounds like a huge  
3 undertaking because you are doing so many of them at once.  
4 Correct?

5 MATT HILL: That's correct.

6 COMMISSIONER BOSARGE: All right, and you think  
7 this would basically mimic the -- not mimic, but actually  
8 would be a trip ticket reporting system, but it would be  
9 electronic?

10 MATT HILL: I don't like to call it a trip  
11 ticket because it's not. What it is going to be it's in  
12 that program. We refer to everything as trip tickets.  
13 They are not necessarily a ticket for every trip. We have  
14 a lot of different things that we can do. We have always  
15 just called things trip tickets that are not necessarily  
16 that all the time.

17 This is just mainly an electronic reporting  
18 system that we can customize. We can add and delete  
19 things. We can do whatever we want. We can make the  
20 reporting requirements what we want to do and everything  
21 is electronic.

22 It is very similar to how we are currently  
23 working with Tails n' Scales. It is a very customizable  
24 program so we can meet the needs of the Commission and of  
25 our anglers as we move forward. We are just trying to

1 look to the future and build these systems because  
2 obviously we are going to have to report in different ways  
3 very soon.

4           It's not necessarily a trip ticket. It is  
5 whatever y'all would set up, how they would report. We  
6 are just trying to get the platform ready for that.

7           COMMISSIONER BOSARGE: I was, in my research,  
8 looking at what the feds -- I say feds. What, right now,  
9 our Federal For-Hire guys are having to do. It doesn't  
10 matter with them, right now, whether they are on a State  
11 charter, or a Federal charter, they have reporting they  
12 have to do.

13           This reporting system that you are talking about  
14 with Gulf States, would this be mandatory, or voluntary?

15           MATT HILL: That is completely up to y'all.

16           Anything, right now, with the recreational portion is  
17 voluntary, the MRIP surveys, and this is currently part of  
18 the MRIP survey, the effort survey that we do, and, then,  
19 the dockside survey. It is part of that. So it is  
20 voluntary.

21           This is being developed outside of that program.  
22 Like I said, we are picking up the tab for this one, just  
23 like we are for the oyster aquaculture and the live bait.

24           It will be whatever regulations the Commission  
25 comes up with in the future, that is how the reporting

1 would go. whether it stays voluntary, or it becomes  
2 mandatory.

3 COMMISSIONER BOSARGE: So I guess if you look at  
4 the two previous motions, they were both to develop a  
5 program that is better than what we have now.

6 we just have to make sure that this program  
7 doesn't -- we don't need to go backwards. We need to go  
8 forward.

9 MATT HILL: And I believe we are definitely  
10 going forward with this. Charmaine brought up the meeting  
11 over in Gulf Shores and it was kind of the elephant in the  
12 room, but it was finally brought out that they are  
13 developing this program for the federally permitted guys.  
14 So the question was directly asked to NOAA if once that  
15 system comes online, are they going to continue to fund  
16 the charter for-hire survey within the MRIP Program  
17 because they really have no reason to.

18 They did not want to answer that question. So  
19 we don't know exactly what our funding options will be in  
20 the future. That is one reason that we pushed the button  
21 and we are moving forward to develop this program so we  
22 are not left without anything, and it will be better.

23 COMMISSIONER BOSARGE: Just looking at that  
24 timeline -- because I did just a little research on it --  
25 for the feds, the final rules were early 2020; outreach

1 sessions early spring 2020; phase one which would be the  
2 hail out and logbooks would be late spring 2020;  
3 additional outreach mid 2020; phase two location devices  
4 late 2020.

5 So most all of that is going to happen this  
6 year.

7 MATT HILL: I think that is being highly  
8 optimistic, if they believe that is going to happen this  
9 year. I do think it is going to happen in the near  
10 future, but I think we need to continue working on what we  
11 have and, after the program is ready, it will be something  
12 that the Commission can decide on, how we want to  
13 implement this program.

14 COMMISSIONER BOSARGE: All right.

15 I think that we have some public comment, Mr.  
16 Joe.

17 COMMISSIONER DANIELS: Matt, just to be clear,  
18 do you have a need for some type of further catch data  
19 from the charter for-hire sector?

20 MATT HILL: I don't have a need for any  
21 additional data than what we are collecting now. My fear  
22 is that we are not going to have the program that we have  
23 now to collect it anymore.

24 COMMISSIONER DANIELS: You are already in the  
25 process of building something to take that one's place

1 which is this option two that will come online at the  
2 beginning of 2021.

3 Correct?

4 MATT HILL: I'm hesitant to say it will come  
5 online. It will be available. It will be a tool we have  
6 in a toolbox to implement by then.

7 Again, it will be the Commission's decision on  
8 when and how it is implemented and what exactly we are  
9 going to ask from the fishermen. It is going to be a  
10 highly customizable program such as Tails n' Scales. We  
11 can add things. We can delete things. We can do whatever  
12 we want, and that is what we are working towards to  
13 continue to meet the needs of the Commission and the  
14 charter for-hire industry.

15 whether it is implemented by then, that is up to  
16 the Commission, but it will be available for  
17 implementation, if the Commission so chooses.

18 COMMISSIONER DANIELS: But, as we have stated  
19 here multiple times in this conversation before, you are  
20 already working on a better mousetrap and you currently  
21 have no need for anything different until that is  
22 available.

23 Correct?

24 MATT HILL: what we do need, though, just like  
25 we did in the last meeting, we need to be able, at the

1 very least, to continue with the program we have so there  
2 is not this hole in the system for this time period and  
3 the program that we currently implement does not meet the  
4 regulation in place.

5 COMMISSIONER DANIELS: You need option one  
6 approved to put us back in compliance to use until you can  
7 get done with the better program.

8 MATT HILL: Either option one, or just an  
9 extension, how we did from the last meeting, saying that  
10 we are going to continue with the program and not change  
11 the regulation, until the program is ready to be put in  
12 place, and the program will not be ready before 2021.

13 COMMISSIONER DANIELS: I may have missed  
14 something.

15 Didn't you say if we don't change that language  
16 in option one that we are out of compliance?

17 MATT HILL: That's correct.

18 COMMISSIONER DANIELS: Okay.

19 COMMISSIONER BOSARGE: I'm sorry.

20 Change the language in option one would actually  
21 defeat the purpose of the two prior motions, in my  
22 opinion.

23 (Unintelligible.)

24 I can understand that we maybe need to do what  
25 we did at the prior meeting and make a motion that we

1 proceed as we have been up to this point, until we can get  
2 this other reporting system in place.

3 COMMISSIONER DANIELS: But we are currently out  
4 of compliance, without changing that language.

5 Correct?

6 I may be misunderstanding.

7 SANDY CHESNUT: That's correct, Ronnie. They  
8 are out of compliance, if the language isn't changed.

9 COMMISSIONER DANIELS: I don't understand why we  
10 would just keep saying let's keep staying out of  
11 compliance for -- what is it -- six, or seven, more months  
12 until the new program is possible to use.

13 COMMISSIONER BOSARGE: In order to be in  
14 compliance, it would be a matter of furnishing some  
15 questionnaires. That's the way I see it, furnishing the  
16 fleet with questionnaires to fill out for their trips.  
17 Now, you are in compliance.

18 COMMISSIONER DANIELS: No, Steve. We can't  
19 require that. That puts us out of compliance because,  
20 under Federal regulation, it cannot be required.

21 COMMISSIONER BOSARGE: Wait a minute. We are  
22 not talking about the federal regulations. We are talking  
23 about the state regulations.

24 COMMISSIONER DANIELS: I'm sorry. I misspoke.

25 COMMISSIONER BOSARGE: Say it, again, Ronnie.



1           COMMISSIONER DANIELS: My understanding is where  
2 it says "required", that is what puts us out of  
3 compliance.

4           COMMISSIONER BOSARGE: In other words, what it  
5 amounts to is all these years the charter fleet was  
6 supposed to be filling out questionnaires for every trip  
7 you make, and, then, at some point, if the confidentiality  
8 officer asks for these questionnaires, you have to furnish  
9 them. To me, this is not something that is too over the  
10 top. It is just a matter of printing questionnaires and  
11 furnishing questionnaires for you guys to fill out and, at  
12 what point the folks from the DMR ask for it, you may have  
13 to furnish it, but you may never to have to furnish it.

14           To me, it is almost like your log. Surely you  
15 are making a log every day already of who you take out and  
16 where you go. I mean, we do on the commercial side.

17           I don't see the big problem.

18           COMMISSIONER GOLLOTT: Can I ask a question,  
19 Richard Gollott?

20           we have been out of compliance for years.

21           what is the issue, now?

22           why are we in such a big hurry to solve this  
23 problem?

24           COMMISSIONER DANIELS: I believe you would have  
25 to ask Commissioner Bosarge that.

1           COMMISSIONER GOLLOTT: Are you the one that  
2 brought it up, Steve?

3           COMMISSIONER BOSARGE: I'm not the one that  
4 brought it up. This all came up -- well, looking back  
5 now, I guess when we talked about reporting systems. This  
6 is all about gathering information, Richard.

7           I'm looking through a lot of the information  
8 that I pulled up and on the council side, when they were  
9 talking about the federal people, they made a list of  
10 twelve of the most important objectives that needed to be  
11 done during their meetings, and the second one is to  
12 achieve robust fishery reporting and data collection  
13 systems across all sectors for monitoring the reef fish  
14 fishery which minimizes scientific management and risk  
15 uncertainty.

16           Anyhow, this is the same thing. In other words,  
17 I can see -- my concern is you see where we are with  
18 quotas right now and everything is getting divided up  
19 because of the fishing pressure on every resource. At  
20 some point -- we have already divided Spotted Seatrout  
21 between commercial and recreational, and I can see some  
22 point in the future when it is going to be Spotted  
23 Seatrout, Sheepshead, Tripletail. There are going to be a  
24 lot of different species that are going to be further  
25 divided and, if these guys don't have some historical

1 landings that they can go back to and say this is bonafide  
2 data.

3 You see what I mean?

4 The same thing right now with this fisheries  
5 disaster.

6 The oyster fishermen have got the system put in  
7 place. The shrimpers have got the system put in place.  
8 The crabbers have got it put in place. Everybody can  
9 document their losses.

10 If we don't put a system in place where these  
11 guys can document who they are and what their losses are,  
12 they are going to come out on the short end of the stick,  
13 at some point in the future, in my opinion.

14 COMMISSIONER GOLLOTT: So you are in favor of  
15 trip tickets?

16 COMMISSIONER BOSARGE: I'm in favor of them  
17 reporting their catch. I don't necessarily say trip  
18 tickets.

19 COMMISSIONER GOLLOTT: well, you know what I  
20 mean.

21 COMMISSIONER BOSARGE: Yes.

22 COMMISSIONER GOLLOTT: well, make a motion and  
23 let's go on with it.

24 COMMISSIONER DANIELS: Steve, are you implying  
25 that we need to implement a quota on Tripletail,

1 Sheepshead, a recreational quota on speckled trout and  
2 what else did you say?

3 COMMISSIONER BOSARGE: I said in the future,  
4 Ronnie, if you look at -- and I know -- maybe I do more  
5 research into it and I'm a little bit more -- the effort  
6 on the recreational side is continuing to increase and, as  
7 you see now with Red Snapper, there is a push between the  
8 recreational and the charter for-hire and each one wants  
9 their part. I don't blame them.

10 In other words, I can see that possibly coming  
11 to some type of fruition in the recent future. It is not  
12 going to take long, especially if effort keeps increasing,  
13 to where we are going to have to decide who gets what and  
14 people are going to have to stay within their quota so to  
15 speak of what you are catching.

16 That's the only way you -- I mean, I have said  
17 it before and I will say it again. It is the only way you  
18 can manage a fishery and manage it correctly.

19 Paul, you tell me if I'm correct.

20 I hope it doesn't come to that, but, if it does  
21 come to that and you have no way of proving what you have  
22 caught in the past, you are going to be without.

23 PAUL MICKLE: well, managing fisheries and  
24 species, a lot of people want to do it with a lot of  
25 species together, but we are still in a time where we

1 manage species on an individual basis.

2 From what Matt is talking about, even today this  
3 current program that we are discussing is MRIP. That is  
4 what the charter captains are reporting on. That is a  
5 federally-funded program of MRIP which services the  
6 landings of recreational and charter together.

7 Now, this regulatory change is in compliance  
8 with that program, these suggestions are making it "may be  
9 furnished by the MDMR". That means exactly what MRIP is  
10 designed to do.

11 Now, when we start talking about quotas on  
12 species, back to your question, Commissioner, those are  
13 finite quotas broken up by sectors and it becomes the  
14 ability to manage a fishery by species of identifying  
15 harvest for each sector.

16 I feel -- and I won't speak for Matt, but he can  
17 speak up if he wants to and Marine Fisheries Office, but  
18 the MRIP program, we are not dealing with reef fish  
19 species in dealing with the state for-hires. The state  
20 charters, in this example, is meeting data needs for the  
21 fishery in identifying if a species is being over  
22 harvested.

23 To boil it down to a simpler answer, quotas are  
24 good for a single species management strategy, but, in  
25 this case, the MRIP Program of landings is satisfying the

1 need in these stock assessments that we are doing, at  
2 least for the charter industry.

3 we have a fairly small fleet in this state,  
4 compared to other states. I would identify that the data  
5 is accurate enough to reduce the uncertainty in these  
6 stock assessments, at least for this fleet, of the charter  
7 boats, to manage them accurately and sustainably.

8 Now, larger fleets are more difficult. In the  
9 specific example of a charter fleet, unless we see the  
10 charter fleet expanding to a much larger fleet size, my  
11 opinion is that the MRIP landings program is satisfying  
12 the needs to manage sustainably for the charter boats.

13 COMMISSIONER BOSARGE: If I understand  
14 correctly, MRIP is not going to continue for the charter  
15 industry.

16 PAUL MICKLE: Has that decision been made to be  
17 final?

18 MATT HILL: This is Matt. It was just brought  
19 in the Fin ??? meeting and again in the ??? meeting at  
20 Gulf Shores, and the question was asked that once Seafire  
21 comes online -- that the new program that NOAA is pushing  
22 -- what is the need for them to have interest in the state  
23 for-hire fishery. They will not be required to report to  
24 MRIP anymore, the federally-permitted guys.

25 The question was, are you going to continue to

1 fund this survey for the state for-hire fishery, and there  
2 was no answer, but a lot of people's opinion there and  
3 when you start looking at, they are funding something that  
4 they are not managing. So it is not their interest  
5 anymore.

6 we began developing a new system, a better  
7 system, an electronic reporting which is where everything  
8 goes. Whether it is required, or it is voluntary, again,  
9 that is up to the Commission, but we are actively  
10 developing a system to gain all the metric that Paul was  
11 talking about to continue to feed these stock assessments  
12 with this particular sector. It is just not ready yet.

13 COMMISSIONER GOLLOTT: Mr. Chairman, I would  
14 like to make a motion that the staff go out and develop  
15 this reporting system -- I don't see why the charter  
16 industry shouldn't report like everybody else -- and come  
17 back to the Commission with recommendations on whether  
18 this should be voluntary, or mandatory. I personally  
19 don't see where voluntary helps out anything. I think  
20 mandatory is better, but come back at the next meeting and  
21 give us some guidance on this.

22 JOE SPRAGGINS: Sir, before we make a motion, we  
23 do have a public comment.

24 COMMISSIONER GOLLOTT: Okay.

25 JOE SPRAGGINS: Commissioner Havard, are you

1 ready for the public comments, or not, yet?

2 COMMISSIONER HAVARD: Is there any other  
3 discussion out there with the Commissioners, or amongst  
4 staff, that we want to have prior to taking public  
5 comment?

6 (No response.)

7 COMMISSIONER HAVARD: If no, let's take the  
8 public comment at this time.

9 JOE SPRAGGINS: Okay, sir. We have one public  
10 comment, Mr. Ralph Humphrey. If we could unmute him, if  
11 he is on.

12 BRADY SMITH: Ralph Humphrey, your mike is live.

13 RALPH HUMPHREY: Actually, Director Spraggins,  
14 my public comment was not for this particular item. It  
15 was for K.6.

16 JOE SPRAGGINS: Okay. All right. There is no  
17 public comment on this.

18 We will put you on K.6, Ralph.

19 RALPH HUMPHREY: Thank you.

20 COMMISSIONER HAVARD: So I have a motion on the  
21 table made by Commission Gollott.

22 SANDY CHESNUT: Could you pause for a moment and  
23 get Brady to bring up the motion screen so I can get the  
24 motion on the board?

25 COMMISSIONER HAVARD: Sure.



1 SANDY CHESNUT: Thank you.

2 COMMISSIONER DANIELS: Am I mute, or can y'all  
3 hear me talking right now?

4 COMMISSIONER HAVARD: I can hear you fine,  
5 Commissioner Daniels.

6 COMMISSIONER DANIELS: I'm having some problems.  
7 For some reason this meeting has shrunk down awful tiny on  
8 the screen. I'm trying to figure out how to open it back  
9 up. Sorry.

10 BRADY SMITH: Sandy, do you have control of the  
11 screen, now?

12 SANDY CHESNUT: There it is.

13 COMMISSIONER DANIELS: I'm going to have to  
14 reopen this, I think. I can't find any other way to get  
15 it back up to where I can see.

16 BRADY SMITH: Ronnie, did you try clicking that  
17 square in the top right of the small zoom window?

18 COMMISSIONER DANIELS: It just swaps the views.  
19 It doesn't make it big.

20 COMMISSIONER HAVARD: Try the bottom right-hand  
21 corner, Ronnie.

22 BRADY SMITH: When you hover over the small zoom  
23 window, does it give you options?

24 COMMISSIONER DANIELS: No, it's not. All I've  
25 got is I can see everybody that is in the meeting.

1 BRADY SMITH: You are on a MAC.

2 Right?

3 COMMISSIONER DANIELS: Yes, I'm on a MAC.

4 BRADY SMITH: Do you have a green circle on the  
5 upper left?

6 COMMISSIONER DANIELS: I do not. I don't know  
7 where it went. It's just says "Finder" up there, now.

8 BRADY SMITH: Did you click on the zoom window  
9 to make it your active window?

10 COMMISSIONER DANIELS: Yes, I've done that.  
11 Still it's not pulling it up.

12 I'm going to just jump out of the meeting and  
13 I'm going to sign right back in real quick. Let me try  
14 that.

15 BRADY SMITH: I'll be waiting for you.

16 JOE SPRAGGINS: Commissioner Havard, while we  
17 are waiting for her to type up this motion on it, I need  
18 to ask one quick question.

19 As the Executive Director, when it says that we  
20 are out of compliance, I don't like the idea of being out  
21 of compliance on anything.

22 I would ask the question, if the staff is saying  
23 that we are out of compliance on something, however we  
24 need to word something, but we're not in compliance. I  
25 don't want us to be out of compliance on anything.

1 I would really like to fix that compliance  
2 issue, if there is a problem, and, then, we can also do  
3 what Commissioner Gollott is doing and ask for this other,  
4 but I would definitely like to fix that compliance issue.

5 COMMISSIONER HAVARD: I agree, General.

6 COMMISSIONER BOSARGE: In an effort to do that,  
7 Joe Spraggins, can we just go ahead and make it where the  
8 staff actually furnishes the questionnaires, and, then,  
9 that will put you in compliance?

10 JOE SPRAGGINS: That will put us in compliance,  
11 I think.

12 We are talking about the staff will have to give  
13 a questionnaire to every person?

14 All I want is in compliance. I don't care how  
15 we do it.

16 COMMISSIONER DANIELS: Sandy, didn't we just go  
17 over that a minute ago that if it says that we are  
18 requiring this, that language is putting us out of  
19 compliance?

20 SANDY CHESNUT: Yes, if we were not requiring  
21 this because the language says "shall be required", but,  
22 like Steve pointed out, if they are requiring them to  
23 complete the questionnaire by furnishing them, they have  
24 to furnish them first for each trip.

25 The next sentence says, "Completed questionnaire

1 shall be furnished to an information confidentiality  
2 officer upon request.”

3           You are in compliance, as long as you have them  
4 for each trip and furnish them when they are requested.

5           Now, I don't know if that meets the requirements  
6 of the MRIP. I think it would.

7           JOE SPRAGGINS: Paul Mickle had a question and  
8 if you have just a second, sir, I would really like to get  
9 this clarified.

10           Paul, what were you saying, with MRIP we cannot  
11 require something?

12           PAUL MICKLE: The MRIP Program, it is not a  
13 required program. It is a voluntary program.

14           When an interviewer goes out, one of the first  
15 questions at the time is, “This is a voluntary program.  
16 You may stop the interview at any time.” That is a legal  
17 requirement by the program. That is why the non-  
18 compliance issue is up here right now.

19           To try to satisfy all the Commissioners'  
20 intentions with what we want to move forward with and what  
21 will be most beneficial for the current program, and,  
22 then, the number two is the future program, but the  
23 current program, we can supply a sheet that is exactly  
24 like the MRIP sheet to every single charter captain and  
25 they can fill them out completely, if they want, and,

1 then, the ones that are selected by the MRIP Program to go  
2 out and go to these sites and do the intercepts, those  
3 will be the ones that we request to get back and are  
4 submitted to the federal program.

5 If we have this option one, coming back to the  
6 option and the wording in the option to try to satisfy the  
7 Commissioners here, options are for charter boat captains  
8 -- just look at line two under 101 -- and head boat  
9 captains operating in Mississippi waters to complete  
10 questionnaires furnished. You just have received  
11 questionnaires furnished by the MDMR. All charter boat  
12 and head boat captains receive questionnaires furnished by  
13 the MDMR, and, then, that is all you would have to change.

14 The completed questionnaires shall be furnished,  
15 and that is the part where MRIP tells us to go out and  
16 respectfully request these interviews.

17 If you could do a simple change like that, that  
18 would have all the charter boat captains and head boat  
19 captains receive questionnaires from this agency and have  
20 them in possession and, when the MRIP interviewees go out  
21 and receive those back, it is still voluntary. So we are  
22 meeting the needs of MRIP and we are meeting the needs of  
23 making sure every charter boat captain and head boat  
24 captain can fill out a survey, if they want to.

25 They can all turn them in and get their track

1 record of catch, and, then, they can turn them in when the  
2 interviews occur.

3 Does that make sense to the Commissioners?

4 COMMISSIONER BOSARGE: It doesn't to me, Paul.  
5 Sounds like you are going way around.

6 COMMISSIONER GOLLOTT: Yes, it sounds to me like  
7 you are trying to get around my motion here.

8 We have been out of compliance for years.

9 wouldn't my motion bring everything back into  
10 compliance by next meeting?

11 I mean, it's not that big a deal.

12 COMMISSIONER DANIELS: As stated before and just  
13 stated again, per MRIP you cannot require. It has to be  
14 voluntary per MRIP.

15 COMMISSIONER GOLLOTT: Well, my motion didn't  
16 say it was required. It said the staff would come back  
17 and give us a recommendation.

18 COMMISSIONER BOSARGE: We are mixing apples and  
19 oranges here. You keep referring to MRIP. This state  
20 statute has nothing to do with MRIP. It basically says  
21 that the DMR will require reporting and it is as simple as  
22 furnishing the charter guys with questionnaires to fill  
23 out. I don't understand the problem here.

24 COMMISSIONER DANIELS: Currently funded by MRIP.  
25 Correct?

1           COMMISSIONER BOSARGE: MRIP is doing reporting  
2 for charter fishing. This has nothing to do with MRIP.  
3 This is a state statute. It doesn't say anything about  
4 MRIP.

5           I guess what I'm saying is to go back and to  
6 change this state statute is probably going to take, what,  
7 sandy, ninety days, if nobody objects?

8           SANDY CHESNUT: Yes.

9           COMMISSIONER BOSARGE: The easier way, I think,  
10 to do this, while we take Richard's motion into hand, is  
11 to come up with a mandatory reporting system, or a  
12 reporting system, whichever way the Commission goes; just  
13 to furnish the questionnaires and be done with it.

14           COMMISSIONER DANIELS: Paul, I'm sorry. I'm  
15 apparently getting confused on this.

16           Can you repeat what you just said about the  
17 language in this?

18           PAUL MICKLE: Can everybody hear me?

19           COMMISSIONER HAVARD: Yes.

20           PAUL MICKLE: Commissioner Bosarge is correct.  
21 This is our Titles and Parts, showing that it is required.

22           Now, the MRIP Program is voluntary.

23           We are caught between our regs and a federally-  
24 funded program which feeds into the landings that we use  
25 in our management of these species.

1           If the Commission so chooses to move forward  
2 with this motion, it is a terrific motion because it takes  
3 us down the road of developing a reporting program for the  
4 for-hire industry to be presented to the Commission. The  
5 staff would develop a reporting system, and, then, the  
6 Commission chooses if it is mandatory, or not.

7           Now, this would be outside of the MRIP Program,  
8 if it is mandatory. If it is not mandatory, then, it  
9 could be potentially a version of the MRIP Program for the  
10 for-hire sector.

11           COMMISSIONER DANIELS: The funding that you are  
12 talking about that, I think, is where I'm getting  
13 confused. You just said that this is funded by MRIP.

14           PAUL MICKLE: The current landings program used  
15 for charter reporting is the MRIP Program.

16           COMMISSIONER DANIELS: Which is what we are  
17 talking about here.

18           Right?

19           JOE SPRAGGINS: I'm about as confused as anybody  
20 on this, but, number one, I think I understand two things.  
21 MRIP is not mandatory. We can't make anybody fill out a  
22 mandatory MRIP statement, or anything else. We can tell  
23 them they can stop at any time.

24           What Commissioner Bosarge is saying is that we,  
25 as an agency, has chosen to do this whenever to make it a



1 charter and head boat reporting procedure.

2 If that is what we chose to do and it is not  
3 under MRIP, then, I agree with him. We are crossing lines  
4 here with two different things.

5 So we need to decide, is this MRIP we are  
6 talking about, or is this just our regulations.

7 which one is it?

8 COMMISSIONER BOSARGE: Just to give some  
9 perspective to this. This all took place back in 2015, if  
10 I'm not mistaken, because this change in the statute, I  
11 think, was in 2016, but what it amounted to was back when  
12 we were putting the Tails n' Scales Program in place and  
13 Richard remembers, we had put trip tickets in for the  
14 shrimp industry, we had oysters taken care of, we had  
15 crabbers taken care of, we had all the fin fishermen, that  
16 is commercial fin fishermen were reporting and, if I  
17 remember -- Matt, you correct me if I'm wrong -- we looked  
18 at it and you said, well, the charter for-hire is another  
19 small piece of the puzzle in trying to get everybody  
20 reporting so that we could manage these fisheries better.

21 So, while we were doing the Tails n' Scales, we  
22 went ahead and included charter for-hire and, if I  
23 remember correctly, everybody was onboard to go ahead and  
24 that is why we started developing mimicking the Tails n'  
25 Scales to where the charter for-hire could do the

1 reporting electronically, as if it was a Tails n' Scales,  
2 and, then, we found out that that was going to cost us too  
3 much money.

4 That is kind of where we are now. Jamie Miller  
5 was there and I looked it up where he actually signed it,  
6 I think, 7-20-2016.

7 Just to give some perspective, this started a  
8 long time ago and we put this rule in place so that we  
9 could go ahead and capture the landings from the charter  
10 industry in a program that would give us the information  
11 that we needed to better manage the fishery.

12 COMMISSIONER DANIELS: Matt has repeatedly said  
13 he does not need landings information.

14 COMMISSIONER BOSARGE: Matt, you don't need  
15 landings information?

16 MATT HILL: This is Matt. We don't need any  
17 additional information than what we are currently getting,  
18 but we are not going to continue to currently get that  
19 information. If it becomes unfunded, then, we won't have  
20 any information.

21 That's why we began developing the other system,  
22 and that is what I am trying to express to the Commission  
23 is just because it is a new system does not mean we are  
24 going to gather more information, or it is going to be  
25 more intrusive, or the questions will be different.

1           It can be. It would have the opportunity to  
2 have any questions we would like for any percentage of  
3 trips, whether it is a hundred percent, or currently it is  
4 ten percent, whichever way the Commission would like to  
5 go, but it is not going to be -- that is accurate, what  
6 Paul said. We are currently getting accurate data from  
7 the for-hire industry because it is a very small component  
8 right now. We are getting accurate enough information to  
9 complete some of our assessments and some of the other  
10 things that we are looking at.

11           This would just take the place of that, but it  
12 would be much more user friendly.

13           Right now, they get the survey in the mail.  
14 Then, we have to call them on the phone. It is very labor  
15 intensive. We call some of them up to five times a week.  
16 During the busy season, the accuracy does go down because  
17 they are fishing. They are not there.

18           It is just something that would help everybody  
19 in the end, but I don't want the Commission to get  
20 confused thinking I will try to get more information, or  
21 ask more questions. It will likely be very similar to the  
22 data that we are collecting now. The only difference  
23 would be whether it is voluntary, or mandatory, but the  
24 actual information that we are currently collecting is  
25 adequate, and it would mirror basically what we are

1 capturing now.

2 COMMISSIONER DANIELS: That is the point that I  
3 am trying to get at. You are telling us we've got a  
4 better program coming, a program that is going to be  
5 easier to use. That is on the way and we are talking  
6 about less than a year.

7 why are we going to print out a ton of paper to  
8 send out to these guys to use for a couple of months,  
9 whenever you are also telling me that what you are getting  
10 is already adequate. You are getting what you need, now.  
11 There is something better coming.

12 why are we going to go print out a bunch of  
13 paper to send out to these guys?

14 COMMISSIONER BOSARGE: So we can abide by the  
15 law.

16 COMMISSIONER DANIELS: Or we could just adopt  
17 option one and we are there, instead of spending taxpayer  
18 money to print all that stuff out and send it out,  
19 whenever we've got an electronic system coming in a few  
20 months.

21 COMMISSIONER BOSARGE: You will be there in  
22 about ninety days possibly.

23 I was looking, Matt, and some of the reporting  
24 requirements of MRIP data is area fished, number of  
25 anglers who fished, hours of actual fishing activity,

1 method of fishing and target species, if any, and, then,  
2 looking on down, Louisiana's got LA Creel where the state  
3 charter for-hire have to report an X number of trips per  
4 day's date based on where majority of fish were harvested,  
5 public or private launch used, number of paying clients,  
6 primary and secondary target species, harvested species,  
7 discards by selected species.

8           Anyhow, there are programs out there where we  
9 are just a little behind the curve, in my opinion.

10           COMMISSIONER DANIELS: In Louisiana, it does not  
11 ask for discarded species. I talk to them at least once a  
12 month, and I have never been asked that question.

13           MATT HILL: I guess the point is with the  
14 program, like I said, you can add, or delete, questions as  
15 needed, but it going to be very, very similar. Obviously,  
16 anything that would come -- we have added and deleted  
17 questions from Tails n' Scales in the last several years.  
18 We have done things during mid year. We have done some  
19 questions that weren't mandatory on Tails n' Scales --  
20 they were voluntary -- about some other species.

21           That is where we are trying to get, to be able  
22 to have a program that meets the needs at the time.

23           The questions that we ask, to me right now,  
24 isn't so important because we don't have to come up with  
25 those. We just have to come up with the platform and

1 place holders to be able to put the questions in. It is  
2 more about the actual mechanism for the charter captains  
3 to be able to report.

4 We are not focusing on -- we are not coming with  
5 a list of thirty questions that we are handing the  
6 developer. That is not what we are doing. We can add, or  
7 delete, those at any time. We are trying to get species  
8 in there with drop-down boxes and be able to cross  
9 reference licenses to make sure they are valid and things  
10 like that. That is the legwork of it.

11 The actual questions, the Commission definitely  
12 has the freedom to come up with those questions. That is  
13 not difficult for us to change at any moment.

14 COMMISSIONER GOLLOTT: Mr. Chairman,  
15 Commissioner Gollott. We have a motion on the floor. We  
16 can beat this horse the rest of the day. It sounds like  
17 this is going around and around in circles to me. Let's  
18 do something to solve the problem.

19 COMMISSIONER BOSARGE: I'll second the motion.

20 COMMISSIONER DANIELS: Richard, would you be  
21 opposed to doing something and adopting option one which  
22 is what the staff has recommended?

23 COMMISSIONER GOLLOTT: No. I'm like Jerry  
24 Clower. Shoot up, and, then, give us one of them, some  
25 relief. Damn all this.

1           we will change my motion, if that is what you  
2 want.

3           what do you think, Steve?

4           COMMISSIONER BOSARGE: I think you've got what  
5 we need. I think that, in order to satisfy the first  
6 part, all we have to do is do questionnaires. Let them  
7 send out the questionnaires. I mean, on the commercial  
8 side, we have to report our catch.

9           COMMISSIONER DANIELS: Steve, we are not talking  
10 about the commercial side. We are talking about the  
11 charter side.

12           COMMISSIONER BOSARGE: Well, you go back and  
13 forth from commercial to recreational every day. I don't  
14 know which one you are today, but, on my side and on my  
15 reporting, it is not an if, and, or but. It is you report  
16 and, if you remember correctly, if you don't do it within  
17 ten days, you get a pretty stiff fine.

18           COMMISSIONER DANIELS: Yes, I remember whenever  
19 you personally threatened to make sure that charter boats,  
20 whenever we were going through the under reporting. Yes,  
21 I do remember that. You had told me that charter boats  
22 were going to have to do reporting, too.

23           COMMISSIONER BOSARGE: If one person is going to  
24 report, everybody needs to report. That is the only way  
25 we are going to be able to manage the fishery.

1           COMMISSIONER DANIELS: We are reporting under  
2 the system that they have in place.

3           JOE SPRAGGINS: Commissioners, if I could real  
4 quick, the only thing I care about in this situation is,  
5 number one, I want our staff to do what we are supposed to  
6 be doing. If option one is saying that our staff is not  
7 doing it, either we have got to start doing it, if we  
8 leave it the way it is and can we do that and, number two,  
9 if not, we need to change it to make sure that we are  
10 doing what we are supposed to be doing because I don't  
11 think that has anything to do with MRIP, right now.

12           I have about decided, under this, that 101 does  
13 not have anything to do with MRIP. MRIP is an entirely  
14 different program.

15           Am I correct on that?

16           COMMISSIONER GOLLOTT: General, after five  
17 years, why are we in such a big hurry?

18           JOE SPRAGGINS: Anytime that I find something,  
19 it is just like anything else, once I find something is  
20 wrong, I am going to try to correct it ASAP. I don't want  
21 to wait five years to correct it either. I want to  
22 correct it now, if possible.

23           All I'm asking is tell the staff which way you  
24 want to go as a Commission.

25           Do you want to stay with 101 the way it is



1 written, or do you want to change it?

2 we will make sure we do what we are supposed to  
3 do. That has nothing to do with MRIP. I'm pretty much  
4 convinced of that.

5 Now, we can go back to your other motion, sir,  
6 after that. I don't have a problem with that. I just  
7 want to make sure we are doing what we are supposed to do.

8 COMMISSIONER GOLLOTT: My motion is standing.  
9 Let's vote on it.

10 COMMISSIONER BOSARGE: Maybe, Commissioner  
11 Gollott, if I could make a suggestion?

12 COMMISSIONER GOLLOTT: Go ahead.

13 COMMISSIONER BOSARGE: Maybe you could amend  
14 your motion to require that we send out the questionnaires  
15 so that we are compliant with 101?

16 COMMISSIONER GOLLOTT: Sounds good to me.

17 COMMISSIONER DANIELS: Or we could just adopt  
18 option one, Richard, and be done with this.

19 COMMISSIONER GOLLOTT: I'm okay with Steve's  
20 version of it.

21 JOE SPRAGGINS: Please state something real  
22 quick.

23 we have motion for staff to develop a reporting  
24 program for the for-hire industry to be presented to the  
25 Commission at the May meeting.

1           You want to add another sentence to that to  
2 state what, sir?

3           COMMISSIONER BOSARGE: And, also, that the --

4           COMMISSIONER DANIELS: (Interposing) Is this  
5 Richard's, or Steve's, motion?

6           JOE SPRAGGINS: This is Richard's motion I'm  
7 asking.

8           Do you want to add anything to that, sir?

9           COMMISSIONER GOLLOTT: I think we were going to  
10 adopt option one for right now.

11          COMMISSIONER DANIELS: I think that would be a  
12 great idea.

13          SANDY CHESNUT: I think what I'm hearing is you  
14 want a motion for staff to come into compliance with the  
15 current wording of the regulation, by furnishing  
16 questionnaires?

17          COMMISSIONER GOLLOTT: Correct.

18          COMMISSIONER BOSARGE: Correct.

19          SANDY CHESNUT: And, then, you want to develop a  
20 reporting program for the for-hire industry to be  
21 presented to the Commission at the May meeting?

22          COMMISSIONER BOSARGE: Correct.

23          JOE SPRAGGINS: So we've got the first motion is  
24 not to adopt option one.

25          Is that correct?

1 I think the first motion is to leave 101 as it  
2 is.

3 Is that correct?

4 I am confused.

5 COMMISSIONER DANIELS: I thought Richard said  
6 that he wanted adopt option one.

7 JOE SPRAGGINS: That is not what is being put  
8 up.

9 COMMISSIONER GOLLOTT: I tell you what, let me  
10 rescind my motion.

11 Steve, go ahead and make the motion.

12 COMMISSIONER DANIELS: I would actually like to  
13 make a motion that we adopt option one.

14 SANDY CHESNUT: Okay.

15 JOE SPRAGGINS: Hang on just one second.

16 COMMISSIONER GOLLOTT: Steve, do you want to  
17 make an alternative motion?

18 COMMISSIONER BOSARGE: Yes.

19 JOE SPRAGGINS: Richard, first, before we do  
20 anything else.

21 Are you rescinding your motion, Richard?

22 COMMISSIONER GOLLOTT: I rescinded my motion.

23 JOE SPRAGGINS: Okay. So his is out.

24 Now, Commissioner Havard, you've got it back,  
25 sir.

1           COMMISSIONER DANIELS: Chairman, if you don't  
2 mind, I believe I spoke up and said I would like to make a  
3 motion to adopt option one which would clear this whole  
4 thing up until we can get this new reporting system that  
5 Matt keeps telling us about.

6           COMMISSIONER BOSARGE: And I would like to make  
7 a substitute motion.

8           JOE SPRAGGINS: We have a motion the table.  
9 Is that correct?

10          SANDY CHESNUT: Ronnie made a motion to adopt  
11 option one.

12          JOE SPRAGGINS: Commissioner Havard, are you on,  
13 sir?

14          (No response.)

15          JOE SPRAGGINS: I think what the problem is we  
16 have lost Commissioner Havard.

17          COMMISSIONER HAVARD: I'm sorry. I have been  
18 muted this whole time. I have been sitting here  
19 reiterating stuff and I'm muted.

20          what we have is Commissioner Gollott rescinded  
21 his motion, and, then, Commissioner Daniels spoke up with  
22 a motion, and, then, Steve wanted to redo Commissioner  
23 Gollott's motion.

24          I think at this time it is Commissioner Daniels'  
25 turn to make a motion, and, then, we will address

1 Commissioner Bosarge's motion.

2 COMMISSIONER DANIELS: My motion would be to  
3 adopt staff's recommendation for option one.

4 COMMISSIONER HAVARD: So I have a motion on the  
5 table to adopt option one as presented by the staff.

6 Do I have a second for his motion?

7 I will second his motion.

8 COMMISSIONER BOSARGE: I would like to make a  
9 substitute motion.

10 COMMISSIONER HAVARD: Excuse me, Steve?

11 COMMISSIONER BOSARGE: I said I would like to  
12 offer a substitute motion.

13 JOE SPRAGGINS: Sandy, they've got a motion and  
14 a substitute.

15 Do we have to make a vote on the motion, or can  
16 we add a substitute to it before we make a motion?

17 I want to get this clear is all I'm asking.

18 COMMISSIONER BOSARGE: You made a substitute  
19 motion, Mr. Joe, and, then, you ask for a second. At  
20 which time, if it gets a second, it gets a vote.

21 JOE SPRAGGINS: That's all I'm asking, sir. I  
22 just want to make sure we're right.

23 COMMISSIONER HAVARD: What is the substitute  
24 motion?

25 COMMISSIONER BOSARGE: The substitute motion

1 would be Richard's motion which we have the staff present  
2 a Charter For-Hire Reporting System at the May meeting and  
3 that we have the staff -- I'm trying to think of the word  
4 -- we have the staff provide questionnaires to the charter  
5 fleet -- or how did you put it, Sandy?

6 In other words, we adhere to Title 22 Part 9  
7 Chapter 101?

8 SANDY CHESNUT: When I was trying to recap what  
9 I was hearing, I was saying that you could make a motion  
10 to require staff to come into compliance, take whatever  
11 action is necessary to come into compliance with the  
12 current wording of the regulation, and, then, if you  
13 wanted to move forward with the new program, you could  
14 also make a motion for the staff to come back with another  
15 program at a later date.

16 COMMISSIONER BOSARGE: So the wording on the  
17 motion would be that staff come back to the May meeting  
18 with a reporting system for the charter for-hire and that  
19 we also have the staff come into compliance for Title 22  
20 Part 9 Chapter 101.

21 JOE SPRAGGINS: Hang on one second. She is  
22 trying to type it up, sir.

23 Staff to take action necessary to come into  
24 compliance with the current wording in 101.

25 COMMISSIONER GOLLOTT: This is Commissioner

1 Gollott. I will second Steve Bosarge's motion.

2 JOE SPRAGGINS: Hang on one second, sir.

3 COMMISSIONER HAVARD: Let's get her to read it  
4 out, first.

5 JOE SPRAGGINS: Let's make sure we get it a  
6 hundred percent.

7 Commissioner Bosarge, can you read what she has  
8 written on your motion?

9 COMMISSIONER BOSARGE: Yes, sir.

10 The only thing I would ask maybe where you have  
11 "with a reporting program for the charter for-hire  
12 industry"...

13 JOE SPRAGGINS: My understanding is -- you are  
14 talking about in the very last sentence?

15 COMMISSIONER BOSARGE: Yes.

16 JOE SPRAGGINS: Paul was saying if you say "for  
17 hire", it is including head boat and charter.

18 Is that correct?

19 PAUL MICKLE: That's correct.

20 COMMISSIONER BOSARGE: Okay.

21 PAUL MICKLE: When you say "for hire", you are  
22 including both charter and head boat.

23 COMMISSIONER BOSARGE: Okay.

24 JOE SPRAGGINS: We are talking about the right  
25 chapter, sir.

1 COMMISSIONER BOSARGE: All right. Yes, sir.

2 JOE SPRAGGINS: Read that real quick, sir, and  
3 make sure that is what you wanted to say.

4 COMMISSIONER BOSARGE: Motion for staff to take  
5 actions necessary to come into compliance with the current  
6 wording of Title 22 Part 9 Chapter 11 Paragraph 101 and to  
7 come back to the Commission at the May meeting with the  
8 reporting program for the for-hire industry. That is  
9 correct.

10 JOE SPRAGGINS: So that substitute motion is on  
11 the table.

12 Is that correct?

13 COMMISSIONER HAVARD: That is correct.

14 So I have a substitute motion on the table made  
15 by Commissioner Bosarge.

16 Do I have a second for his motion?

17 COMMISSIONER GOLLOTT: I made the second. This  
18 is Commissioner Gollott.

19 COMMISSIONER HAVARD: I have a motion and a  
20 second.

21 All those in favor say aye, but I need you to be  
22 very clear and take turns.

23 COMMISSIONER GOLLOTT: Commissioner Gollott,  
24 aye.

25 COMMISSIONER BOSARGE: Commissioner Bosarge,



1 aye.

2 COMMISSIONER DANIELS: Commissioner Daniels,  
3 nay.

4 COMMISSIONER HAVARD: Natalie?

5 COMMISSIONER GUESS: No. I'm going to go with  
6 the motion to adopt staff's recommendation, option one for  
7 agenda item K.1.

8 JOE SPRAGGINS: You are saying no to this one?

9 COMMISSIONER HAVARD: Yes.

10 I have two nays and two ayes, and Commissioner  
11 Havard is a nay. Motion fails.

12 That brings us back to the motion to adopt  
13 staff's recommendation for option one for agenda item K.1  
14 made by Commissioner Daniels and seconded by Commissioner  
15 Havard.

16 All those in favor say aye.

17 COMMISSIONER GUESS: Commissioner Guess, aye.

18 COMMISSIONER DANIELS: Commissioner Daniels,  
19 aye.

20 COMMISSIONER BOSARGE: Commissioner Bosarge,  
21 nay.

22 COMMISSIONER GOLLOTT: Commissioner Gollott,  
23 nay.

24 COMMISSIONER HAVARD: Commissioner Havard, aye.  
25 Motion moves.

1           That brings us on to the next agenda item.

2           JOE SPRAGGINS: Okay. We are to Title 22 Part 7  
3 Chapter 7.

4           COMMISSIONER HAVARD: Mr. Trevor, have you got  
5 something for us?

6           JOE SPRAGGINS: I think that is still Matt Hill.

7           COMMISSIONER HAVARD: Okay. I'm sorry. I  
8 skipped one there.

9           Go ahead, Matt.

10          MATT HILL: Item K.2, Captain and Crew Limits  
11 for Spotted Seatrout, Red Snapper and Greater Amberjack  
12 and, again, this for the for-hire industry.

13          A little bit of background. At the March 31<sup>st</sup>,  
14 2020, CMR meeting the following motion from the Charter  
15 For-Hire Task Force was presented to the CMR:

16          “Motion 11. To move Red Snapper and  
17 Amberjack to disallow captain and  
18 crew from keeping their limit and to  
19 correct Spotted Seatrout placement.”

20          Spotted Seatrout captain and crew limits  
21 underwent final adoption in December 2016. This  
22 regulatory modification was inadvertently misplaced in the  
23 two-day bag limit section of Title 22 Part 7, when it  
24 should have been placed in the Charter Boat section of  
25 Chapter 7.

1           This presentation will outline the original 2016  
2 CMR motion and subsequent regulatory language that was  
3 placed in the incorrect section and specific corrective  
4 changes requested to Title 22 Part 7 to comply with the  
5 original CMR motion in 2016.

6           I will read the original motion in 2016 made by  
7 Commissioner Bosarge:

8           “I’ll make the motion to proceed  
9 with final adoption of Title 22  
10 Part 7, increase Spotted Seatrout  
11 minimum size length to fifteen inches  
12 and no take for Charter Captain and  
13 Crew.”

14           The subsequent action is that it was placed in  
15 Chapter 7 Section 100 which deals specifically with the  
16 two-day bag limits only. It was placed in Section 100  
17 Subsection 100.07:

18           “Charter vessel and crew are  
19 prohibited from keeping a  
20 recreational bag limit of Red  
21 Snapper, Great Amberjack, and  
22 Spotted Seatrout.”

23           Again, this placement only pertained when it was  
24 in a two-day bag limit.

25           The specific corrective changes that we are

1 requesting is to comply with the original CMR motion in  
2 2016 and the Mississippi For-Hire Task Force  
3 recommendations.

4 Go to Title 22 Part 7 Chapter 07, Charter Boat  
5 Exemptions from Certain Bag Limits and remove Subsection  
6 100.07, replace it with new a Subsection 104 and in  
7 subsection 103 strike out "Spotted Seatrout" and the word  
8 "or".

9 The last change will be to Subsection 105 which  
10 is to strike through "104" and replace it with the  
11 corrected number "105".

12 If the Commission so desires for these changes,  
13 what is required is a motion to proceed with a Notice of  
14 Intent for regulatory changes to Title 22 Part 7 Chapter 7  
15 regarding changes to captain and crew limits for Spotted  
16 Seatrout, Red Snapper and Greater Amberjack.

17 If the Commission so chooses to do this, this  
18 would disallow any take for the captain and crew for all  
19 for-hire trips in Mississippi territorial waters.

20 COMMISSIONER HAVARD: Guys, we have a motion  
21 that the staff has put in place, due to a filing error.

22 Do I have a motion on the table?

23 COMMISSIONER DANIELS: I'll make the motion.

24 COMMISSIONER HAVARD: Commissioner Daniels made  
25 a motion.

1 Do I have a second for the motion?

2 COMMISSIONER GUESS: Commissioner Guess seconds  
3 the motion.

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

6 All those in favor say aye.

7 Commissioner Havard, aye.

8 COMMISSIONER GUESS: Commissioner Guess, aye.

9 COMMISSIONER DANIELS: Commissioner Daniels,  
10 aye.

11 COMMISSIONER HAVARD: Those opposed say nay.

12 COMMISSIONER GOLLOTT: Nay.

13 JOE SPRAGGINS: Was that Steve, or Richard?

14 COMMISSIONER HAVARD: That was Commissioner  
15 Gollott with a nay.

16 Commissioner Bosarge, are you still with us?

17 COMMISSIONER BOSARGE: Yes. I said aye.

18 COMMISSIONER HAVARD: Okay. So motion moves.  
19 That moves us on to the next agenda item.

20 JOE SPRAGGINS: Now it is Title 22 Part 7  
21 Chapter 8 and Chapter 9 and that is Mr. Moncrief.

22 TREVOR MONCRIEF: Good morning Commissioners.

23 I will be going over changes to Chapters 8 and  
24 9, Regulatory Compliance for Cobia.

25 To give a brief background, in the April 28 team

1 meeting of the Gulf Council, a framework amendment was  
2 made to increase the minimum size limit of Cobia from  
3 thirty-three to thirty-six inches fork length.

4 The final rule for this change was effective  
5 federally on March 25<sup>th</sup>, 2020, and this presentation will  
6 outline specific changes to ensure federal compliance for  
7 Cobia.

8 The first changes will occur in Title 22 Part 7  
9 Chapter 8, Recreational Bag, Possession and Size Limits,  
10 Section 102.

11 Subsection 102.03 would list Cobia thirty-six  
12 inches fork length.

13 The next change is in Title 22 Part 7 Chapter 9,  
14 Commercial Size, Possession and Catch Limits.

15 "Section 102. It shall be unlawful for any  
16 commercial fishermen to possess any Cobia  
17 smaller than thirty-six inches fork length,  
18 or to possess more than a daily bag limit  
19 of two Cobia per person."

20 To move forward with these changes a motion to  
21 proceed with a Notice of Intent for regulatory changes to  
22 Title 22 Part 7 Chapters 8 and 9 regarding changes to the  
23 minimum size limit of Cobia for federal compliance will be  
24 required.

25 COMMISSIONER GOLLOTT: So moved, Mr. Chairman,

1 Richard Gollott.

2 COMMISSIONER BOSARGE: Second, Commissioner  
3 Bosarge.

4 I think you are muted, again, Mark.

5 JOE SPRAGGINS: Commissioner Havard, are you on,  
6 sir?

7 COMMISSIONER HAVARD: I'm sorry. I am muted  
8 again. I'm just talking to myself.

9 I have a motion from Commissioner Gollott.  
10 Do I have a second for the motion?

11 COMMISSIONER BOSARGE: I seconded it.

12 COMMISSIONER HAVARD: Okay. So I have a motion  
13 and a second.

14 All those in favor say aye.

15 COMMISSIONER GOLLOTT: Aye.

16 COMMISSIONER GUESS: Commissioner Guess, aye.

17 COMMISSIONER HAVARD: I have Commissioner  
18 Gollott aye and Commissioner Guess aye.

19 COMMISSIONER DANIELS: Commissioner Daniels,  
20 aye.

21 COMMISSIONER BOSARGE: Commissioner Bosarge,  
22 aye.

23 COMMISSIONER HAVARD: Commissioner Havard, aye.  
24 Motion moves.

25 Thank you, Trevor.

1           JOE SPRAGGINS: Sir, real quick, does anybody  
2 need to take a quick five-minute break, or two-minute  
3 break, or are we okay?

4           COMMISSIONER BOSARGE: That would be great.

5           COMMISSIONER GOLLOTT: We are so close to the  
6 end.

7           What have we got, one more item?

8           JOE SPRAGGINS: No, sir. We've got four more  
9 items.

10          COMMISSIONER GOLLOTT: Oh, okay. I'm sorry.

11          JOE SPRAGGINS: It's up to the Commission. I  
12 just wanted to let you know, sir.

13          COMMISSIONER HAVARD: I think we ought to go  
14 one, or two, more and see what we can come up with, until  
15 we get to item K.6 and that is going to be a hot topic.

16          JOE SPRAGGINS: All right. Go ahead, sir.

17          COMMISSIONER HAVARD: Let's move on to  
18 Artificial Reef Program Update, Mr. Travis Williams.

19          What have you got?

20          TRAVIS WILLIAMS: Good morning Commissioners.

21          Travis Williams here to give an artificial reef  
22 program update this morning. Hopefully we can give Mr.  
23 Jewell a break, before he continues his marathon.

24          JOE SPRAGGINS: NO. I'm fine.

25          TRAVIS WILLIAMS: This first slide some of the



1 Commissioners have seen before. The following are state  
2 statutes that guide our Artificial Reef Program.

3 Under State Statute 49-15-15 are the powers and  
4 duties of the Commission to promote, construct, monitor  
5 and maintain artificial fishing reefs in the marine waters  
6 of the State of Mississippi; to accept grants and  
7 donations of money, or materials, from public and private  
8 sources for reefs; and to apply for any federal permits  
9 necessary for the construction, or maintenance, of  
10 artificial fishing reefs in federal waters.

11 Statute 49-15-17 is a seafood fund. It is our  
12 Artificial Reef Program Account which basically allows our  
13 program to receive funds from public and private sources.

14 Let's take a second here this morning to talk  
15 about our artificial reef sites that we have on the Gulf  
16 Coast.

17 Sorry about the delay.

18 The map on the left shows our nearshore  
19 artificial reef sites. In Mississippi, we have sixty-  
20 three inshore what we call low-profile reefs. They have  
21 no more than six inches of vertical relief off the bottom.  
22 They are primarily composed of limestone, crushed concrete  
23 and oyster shell. As mentioned, they are spread out along  
24 our three coastal counties.

25 Also, on this map are Pass Christian Key, the

1 Gene Taylor Key and the Ernie Zimmerman Key. These reefs  
2 are composed of a different material. Most of them are  
3 bridge rubble. They do extend throughout the water column  
4 and are actually exposed above the surface.

5 The map on the right shows our offshore  
6 artificial reef sites. There are fourteen fish havens, as  
7 well as the Cat Island Reef. These fish havens are  
8 primarily composed of a larger material that we use for  
9 deployments. Most of them have concrete rubble, concrete  
10 culverts, limestone pyramids, steel vessels, or barges.

11 As so many Commissioners may know, but the  
12 permits for the actual fish havens are held by the  
13 nonprofit Mississippi Gulf Fishing Banks Program. I do  
14 work with Ralph usually. Here lately it has been on  
15 nearly a weekly basis trying to get through the permit  
16 process for those.

17 The one map that I don't have up that is located  
18 on our website, we also have rigs-to-reef sites. These  
19 are eight offshore sites. They range anywhere from fifty  
20 to ninety miles offshore and they are composed of  
21 decommissioned oil and gas platforms.

22 The next slide you are going to see is actually  
23 our artificial reef staging site in Gulfport. It is  
24 located on the Industrial Canal.

25 As you can see from the pictures, we do stag a

1 lot of the material, the donated material that we receive  
2 at this site. Currently, right now, it is at full  
3 capacity.

4 You can see out there that those are actually  
5 concrete culverts. They are eight feet in length and they  
6 vary in diameter from twenty-four to -- we have some that  
7 are seventy-two to eighty-four inches in diameter.

8 We also have staged some of the smaller  
9 materials out there such as limestone and crushed  
10 concrete, or oyster shell.

11 Last in 2019, there were three companies that  
12 donated sixty-one loads of material totaling almost eleven  
13 hundred pieces.

14 Since the staging site was last cleared off in  
15 late 2015, we have received over three hundred and thirty-  
16 three loads of material and it is just over fifty-five  
17 hundred pieces of concrete material.

18 The picture on the bottom right shows that even  
19 some of the material is stacked inside of other culverts.  
20 We try to take advantage of the limited amount of space  
21 that we do have.

22 I will note that last year we received GOMESA  
23 funding for the deployment of the material. Around half  
24 of the material is suitable for the expansion of Katrina  
25 Key which should take place here in the next couple of

1 months, and the other half of the material we hope to  
2 deploy this fall offshore.

3           The next slide shows an upcoming project. It is  
4 a project that we have been working on for about a year  
5 and a half now to get to this point. It is the NFWF and  
6 Ingalls Artificial Reef Project.

7           I believe there were some questions maybe at the  
8 last Commission meeting about this project. Last year we  
9 were awarded a three point two million dollar grant from  
10 the National Fish and Wildlife Foundation.

11           We have been working with Ingalls and it is  
12 estimated that this project will donate over six thousand  
13 six hundred tons of material.

14           As you can see in the pictures, we are calling  
15 these the concrete panels. It is what we will actually  
16 take offshore and deploy it offshore.

17           This material is going to go to FH-13. Once  
18 these panels are removed, or taken out of the water --  
19 currently they are submerged. Once they are taken out of  
20 the water, the actual wood pilings that you see on top of  
21 them will be removed and the concrete panels will be  
22 loaded on the barges and taken offshore.

23           On the next slide is some of the monitoring that  
24 we do in the Artificial Reef Program.

25           with the Ingalls project, we do have the

1 opportunity. We have some funding built in for a two-year  
2 juvenile reef fish survey that will run from March through  
3 October each year.

4           Some of the things that we will be looking at is  
5 really how long it takes for juvenile reef fish to settle  
6 on these structures. We are going to be tagging these  
7 fish. So we will be looking at recaptures, looking to see  
8 if there is any movement between reef sites and kind of  
9 get a seasonal trend on some juvenile abundance.

10           Another portion of the monitoring that we will  
11 do specifically for the Ingalls is habitat mapping and  
12 multi-unit surveys of the material after it is deployed.  
13 So we will have some good imagery after the material is  
14 deployed offshore.

15           Speaking of the Ingalls deployment, it was  
16 scheduled for this month. We received some setbacks due  
17 the COVID Pandemic, but I have been talking with Ingalls  
18 usually every other week and they are moving forward, and  
19 the plans hopefully will begin demolition of that material  
20 in the near future. Please be on the lookout for a press  
21 release, when that does happen.

22           Some of the other inshore monitoring that we do  
23 on a monthly basis is our reef monitoring in the three  
24 coastal counties where we will look at hydrology and  
25 species composition on some of our inshore reefs.

1           We also get a lot of information each month from  
2 a Tidelands grant with the Mississippi Gulf Fishing Banks.  
3 They do complete dive assessments on different structures  
4 that we have offshore. We collect a lot of valuable  
5 information from them and that grant. We actually get  
6 live video of the dives. They give us a species count,  
7 and we get hydrology information, as well, with that  
8 grant.

9           The last slide I have coming up is going to be  
10 kind of the bottleneck for our program here recently and  
11 it is an update status on our permits.

12           The first bullet is not correct. We actually  
13 have sixty-three inshore reefs, low-profile reefs.

14           The current status for those are the Army Corps  
15 of Engineers is engaged in consultation with NMFS. I have  
16 been answering questions on these as recently as  
17 yesterday. They are moving forward. It is just  
18 painstakingly slow.

19           Gene Taylor Key, Ernie Zimmerman Key and the  
20 Pass Christian Key, we currently do have permits issued  
21 for those structures.

22           Katrina Key and Cat Island, we are in the final  
23 stages of the permitting process with the Army Corps of  
24 Engineers. Hope to have those any week now.

25           The Mississippi Reef Zone 1 and 2, the Corps of

1 Engineers is engaged in formal consultation as well with  
2 National Marine Fisheries Service. They are currently  
3 waiting on a biological opinion from them for these sites.

4 The eight rigs-to-reef sites that we have, the  
5 Corps of Engineers is processing the applications for  
6 these renewals. We hope that these permits are issued to  
7 the DMR in the future.

8 As I mentioned, the fourteen fish haven sites,  
9 the DMR does not have the permits for these sites. Those  
10 are held by the Mississippi Gulf Fishing Banks. They are  
11 currently pending approval by the Mobile District Corps of  
12 Engineers.

13 We did get approval for FH-13 which allows us to  
14 move forward with the Ingalls project and I believe that  
15 is the only one that they have in hand right now that has  
16 been approved.

17 With that, I will take any questions.

18 COMMISSIONER HAVARD: This is Commissioner  
19 Havard. I appreciate all you guys' continuous work on  
20 getting these reefs established and I would love to see  
21 that yard, your holding yard stay pretty close to empty  
22 because it is kind of hard for the fish to get to the  
23 reefs, when they are sitting on land.

24 Let's get those things deployed. Let's push  
25 hard to get the Corps to give us the permits that we need

1 to put these in place. If we don't have the structure out  
2 there, we are not going to grow our resource.

3 Let's continue to do what you guys have been  
4 doing and let's get as much reef material out there as  
5 possible.

6 There again, from a public sector part, I  
7 believe that there is room to pursue some private wreck  
8 approved area where it would be private money totally very  
9 similar to what Alabama does. If we want to grow our  
10 fishery and not have to worry about public funds, then,  
11 private is the way to go. Alabama can tell you all about  
12 how productive that is and how that process works, the  
13 correct way.

14 I would love to see that happen within our  
15 state, but y'all keep up the good work and I appreciate  
16 the short briefing on what we currently have.

17 TRAVIS WILLIAMS: Thanks.

18 Just an update on those permits, our staff as  
19 well as a lot of our senators and legislators have reached  
20 out to the Corps, but I will say that the holdups on these  
21 permits -- I had a conference call with all the Gulf  
22 states and Atlantic states a couple of weeks ago. Every  
23 state is experiencing a very slow process for these  
24 permits. It's not just Mississippi.

25 I don't feel that we are being singled out, at



1 this point. All the states are having issues with  
2 acquiring permits. There are a lot more questions being  
3 asked now. They are wanting a lot more information.

4 COMMISSIONER HAVARD: Very good.

5 Any other comments, or concerns?

6 (No response.)

7 COMMISSIONER HAVARD: Let's move on, then. I  
8 think we have a new State record that Mr. Matt Hill is  
9 going to present us on Yellowfin Tuna.

10 MATT HILL: We've got a new State Saltwater  
11 Finfish Record in conventional tackle.

12 It is a Yellowfin Tuna. The old record was two  
13 hundred and five pounds twelve point eight ounces. The  
14 new record is two hundred and thirty-six pounds nine point  
15 six ounces. The angler is Mr. Michael McElroy, III.

16 Here is a picture of the fish. It is a  
17 beautiful fish. He was very excited, and here is a  
18 picture of Mr. McElroy with the fish.

19 COMMISSIONER GOLLOTT: Can you put the picture  
20 up?

21 MATT HILL: Yes, sir.

22 COMMISSIONER GOLLOTT: Yes, beautiful.

23 MATT HILL: What will be required is a motion  
24 from the Commission to adopt this new State record.

25 COMMISSIONER GOLLOTT: I will make the motion,

1 Mr. Chairman -- this is Commissioner Gollott -- that we  
2 adopt it.

3 COMMISSIONER HAVARD: I have a motion to adopt  
4 the new State record on the table, and I will second the  
5 motion.

6 All those in favor say aye.

7 COMMISSIONER GOLLOTT: Aye.

8 COMMISSIONER HAVARD: Commissioner Gollott, aye.  
9 Commissioner Guess?

10 COMMISSIONER GUESS: Commissioner Guess, aye.  
11 Commissioner Bosarge?

12 COMMISSIONER BOSARGE: Commissioner Bosarge,  
13 aye.

14 COMMISSIONER HAVARD: Commissioner Daniels?

15 COMMISSIONER DANIELS: Aye.

16 COMMISSIONER HAVARD: Commissioner Havard, aye.  
17 Motion moves. Good catch, Mr. McElroy.

18 COMMISSIONER GOLLOTT: Many a filet there.

19 COMMISSIONER HAVARD: Yes.

20 Real quick, State For-Hire Red Snapper Quota.  
21 Mr. Matt Hill, are you ready?

22 MATT HILL: Yes, sir.

23 JOE SPRAGGINS: Commissioners, if we could, we  
24 probably need to do the petition first.

25 COMMISSIONER HAVARD: All right. Let's take a

1 ten-minute break.

2 JOE SPRAGGINS: Okay.

3 COMMISSIONER HAVARD: We will resume at 11:20.

4 MEETING STANDS IN RECESS

5 COMMISSIONER HAVARD: All right, guys.

6 Has everybody had a chance to get back from  
7 their water break?

8 JOE SPRAGGINS: I think we are all back.

9 COMMISSIONER HAVARD: Let's do a quick roll call  
10 here.

11 Steve, are you with us?

12 COMMISSIONER BOSARGE: I'm here.

13 COMMISSIONER HAVARD: Richard?

14 You are muted, Richard, if you are there.

15 What about Ronnie?

16 COMMISSIONER DANIELS: Yes.

17 COMMISSIONER HAVARD: What about Commissioner  
18 Guess?

19 JOE SPRAGGINS: You've got about another minute,  
20 or so.

21 COMMISSIONER GOLLOTT: Okay. I'm here.

22 COMMISSIONER HAVARD: Richard is back with us.

23 We are waiting on Commissioner Guess, and, then,  
24 we will get started.

25 Richard went and changed outfits for us.

1 COMMISSIONER GOLLOTT: Yes, man. I'm looking  
2 pretty. I've got physical therapy in just a little bit.

3 COMMISSIONER HAVARD: We will try to walk right  
4 through all of this stuff and try to make it not last all  
5 day.

6 JOE SPRAGGINS: Brady, Mr. McDermott, is he on?  
7 Brady, are you here?

8 BRADY SMITH: I can hear you.  
9 Can you hear me?

10 JOE SPRAGGINS: Yes.  
11 Mr. McDermott, is he there?

12 BRADY SMITH: I've got Michael McDermott, Jr.

13 JOE SPRAGGINS: Yes, that's him.

14 What we need to do, Commissioner Havard, is we  
15 need to ask him if he wants to read that into the record.

16 COMMISSIONER HAVARD: Commissioner Guess is not  
17 back with us yet.

18 JOE SPRAGGINS: I was just letting you know. I  
19 wanted to make sure he was on there, first.

20 BRADY SMITH: His mike is live. He will need to  
21 unmute to speak.

22 JOE SPRAGGINS: Just mute him right now, and we  
23 will unmute him when she comes back.

24 BRADY SMITH: All right.

25 JOE SPRAGGINS: Commissioner Guess, are you on

1 yet?

2 (No response.)

3 JOE SPRAGGINS: She is muted.

4 I tried to call. I couldn't get her on.

5 COMMISSIONER HAVARD: Let's go ahead and get the  
6 party started here. I think it is going to be lengthy and  
7 she probably had to take a break for business purposes.

8 That brings us to this State For-Hire Red  
9 Snapper Quota.

10 Matt, you want to start us off with that?

11 JOE SPRAGGINS: Sir, before we get started, we  
12 need to do the petition.

13 COMMISSIONER HAVARD: That's right.

14 Mr. McDaniels, are you online with us?

15 JOE SPRAGGINS: McDermott.

16 COMMISSIONER HAVARD: McDermott.

17 JOE SPRAGGINS: Brady, is he on?

18 BRADY SMITH: He is on and his mike is live.

19 MICHAEL McDERMOTT: This is Michael McDermott.

20 COMMISSIONER HAVARD: Michael, do you want to  
21 read this Petition for Reconsideration, or do you want us  
22 to just move through it?

23 MICHAEL McDERMOTT: Chairman, just for  
24 efficiency considerations, it might be better just to  
25 incorporate it in the minutes by attaching it as an

1 exhibit.

2 COMMISSIONER HAVARD: So you do not want to read  
3 through it?

4 MICHAEL McDERMOTT: Well, I mean, I want it to  
5 be heard, but I don't want to read the hundred-and-fifty  
6 pages that I submitted. I don't think anybody wants to  
7 sit through that.

8 SANDY CHESNUT: Mr. McDermott, the petition is  
9 attached to the agenda and it will be part of the record.

10 MICHAEL McDERMOTT: Okay.

11 SANDY CHESNUT: If there is anything else you  
12 would like to say about it at this time, you can go ahead  
13 and do that.

14 MICHAEL McDERMOTT: Well, I would just like to  
15 say the spirit of the petition was just that we need to  
16 get some input in here from the private recreational  
17 anglers of the State, before we make a decision on  
18 decreasing the fish that are available to them.

19 I realize that the department was under  
20 constraints due to the COVID-19 situation. They had to  
21 reschedule the meeting, but the folks that I talked to --  
22 and I delivered three hundred and something letters in  
23 opposition to the Commissioners yesterday.

24 All the folks that I'm talking to had no idea  
25 this was going on and they find it repugnant, quite

1 frankly, that their access to the resource can be limited  
2 without providing them any kind of opportunity for input,  
3 or discussion.

4 COMMISSIONER HAVARD: These meetings are open to  
5 the public and have been for a long time. If they want to  
6 follow along with what the CMR is doing, they definitely  
7 have that opportunity. I am glad to see that they are  
8 engaged now and they are paying attention to what is going  
9 on with the state's resource.

10 I appreciate you bringing this Petition for  
11 Reconsideration to the table and it will be attached to  
12 the agenda and to the minutes.

13 MR. McDERMOTT: What about those letters in  
14 opposition?

15 Are those going to be reflected in the minutes?

16 COMMISSIONER HAVARD: Sandy, they should be.  
17 Correct?

18 JOE SPRAGGINS: I have not received any.

19 SANDY CHESNUT: We haven't received any letters  
20 of opposition to be included with the record, but it is  
21 noted from what you said that they were received. That  
22 will be part of the record.

23 MR. McDERMOTT: I had emailed those to the DMR  
24 email addresses for each Commissioner yesterday about -- I  
25 don't know -- two o'clock, or so, and also to, I believe,

1 Director Spraggins. If anybody didn't receive them, I  
2 will be happy to send them again.

3 SANDY CHESNUT: We will find those and we can  
4 include those in the record.

5 MICHAEL McDERMOTT: Thank you.

6 SANDY CHESNUT: If you don't have anything else,  
7 I will just state for the Commissioners that the requested  
8 action that Mr. McDermott has requested in his petition is  
9 to reconsider and reverse any action taken at the March  
10 31<sup>st</sup>, 2020, Special Session Webinar concerning the 2020  
11 State For-Hire Red Snapper allocation.

12 Now, the Commission, as you know from past  
13 petitions, you have options. Your four options are:

14 To make a final disposition of the petition by  
15 granting, or denying, without further argument.

16 You can request a response from the DMR, before  
17 making a final disposition.

18 You could set the matter for evidentiary  
19 hearing.

20 You can make further action as the Commission  
21 deems necessary under the circumstances.

22 If it is okay with the Commission, since we have  
23 this item on the agenda and the department has further  
24 information about this item, if you get someone to make  
25 the motion to consider that information along with the



1 petition, and, then, make your final decision.

2 COMMISSIONER BOSARGE: I'll make that motion to  
3 hear, I guess, the other information that the staff has.

4 SANDY CHESNUT: Okay.

5 COMMISSIONER HAVARD: All right. So I have a  
6 motion on the table to consider the petition, after we  
7 hear the additional data that the staff has to provide for  
8 us.

9 Do I have a second for the motion?

10 COMMISSIONER GOLLOTT: Commissioner Gollott  
11 here. You have a second.

12 COMMISSIONER HAVARD: All right. I have a  
13 motion and a second, and I'm going to do a little bit  
14 different. We are going to do a roll call this time and  
15 just kind of go down the line.

16 Ms. Guess, did you join us?

17 (No response.)

18 COMMISSIONER HAVARD: Maybe not.

19 COMMISSIONER GUESS: Yes, I'm here.

20 COMMISSIONER HAVARD: All those in favor say  
21 aye.

22 Commissioner Guess?

23 COMMISSIONER GUESS: Aye.

24 COMMISSIONER HAVARD: Commissioner Bosarge?

25 COMMISSIONER BOSARGE: Aye.

1 COMMISSIONER HAVARD: Commissioner Gollott?

2 COMMISSIONER GOLLOTT: Aye.

3 COMMISSIONER HAVARD: Commissioner Daniels?

4 COMMISSIONER DANIELS: Aye.

5 COMMISSIONER HAVARD: Commissioner Havard, aye.  
6 Motion moves.

7 At this time, I think it would be a good time to  
8 hear what Matt Hill has for us, in regard to State For-  
9 Hire Red Snapper quota.

10 Matt, are you with us?

11 MATT HILL: Yes, I'm ready. I was just waiting  
12 for Brady to get it up.

13 This pertains to the State For-Hire Red Snapper  
14 season. We have been talking about this for a little  
15 while. First, I will give you some background.

16 JOE SPRAGGINS: Commissioner Havard, after he  
17 gets through, before we do any motions, we have about ten  
18 public comments.

19 COMMISSIONER HAVARD: Okay. Prior to making a  
20 motion, we will do that.

21 MATT HILL: Like I said, a little bit of  
22 background. At the March 31<sup>st</sup>, 2020, CMR meeting the  
23 following motion from the Charter For-Hire Task Force was  
24 presented to the Commission.

25 "Motion 6. To recommend an increase

1           in the State For-Hire quota by fifty  
2           percent. Season would be weekend  
3           only and run concurrent with the  
4           private recreational season.”

5           The CMR, then, modified and adopted the  
6           following motion:

7           “Motion 4. That we do an increase  
8           one hundred percent to sixty-six  
9           hundred pounds for the upcoming  
10          year and we reassess in January.”

11          The CMR motion does not clearly state the action  
12          to be taken. The State For-Hire quota allocation for 2019  
13          was three thousand seventy-seven pounds. One hundred  
14          percent of this quota would be six thousand one hundred  
15          and fifty-four pounds.

16          The motion, then, states sixty-six hundred  
17          pounds, which conflicts with the one hundred percent  
18          increase to six thousand one hundred and fifty-four  
19          pounds.

20          A little bit of history. We are going to go  
21          back to the 2018-2019 Mississippi Exempted Fish Permits  
22          and some of the language from the actual application.

23          The purpose of the EFP’s was to determine if a  
24          recreational Mississippi landed ACL for Red Snapper can be  
25          accurately attained.

1           The EFP will set a quota of one hundred thirty-  
2 five thousand one hundred and forty-nine pounds for  
3 private recreational anglers and two thousand eight  
4 hundred pounds for the state charter for-hire sector to  
5 harvest Red Snapper annually for a total of two years.

6           Again, this was only for the 2018 and 2019  
7 years.

8           COMMISSIONER HAVARD: Matt, I've got a quick  
9 question in regards to that.

10          I think Amendment 50 clearly states there are  
11 two sectors. I think that all of the surrounding Gulf  
12 states only have two sectors.

13          why did the department, the Finfish Department  
14 choose to turn two sectors into three sectors, as far as  
15 the quota goes?

16          MATT HILL: This was the EFP. This wasn't for  
17 Amendment 50, and you are correct. Amendment 50 clearly  
18 states there are two sectors, which is in effect currently  
19 beginning in the 2020 season.

20          what we as a staff and an agency did was took  
21 the numbers from 2017, which clearly reflected these two  
22 sectors within the recreational sector. The for-hire  
23 sector was made up of two different groups, the federally  
24 permitted vessels and state charter for-hire vessels.

25          The federally permitted vessels were already

1 under sector separation. So they have their own season  
2 and their own set of numbers and rules to go by.

3 The decision was made, at that point, to  
4 continue to break out the state for-hire guys from the  
5 private recreational guys. This was a new fishery and we  
6 actually had some data on them.

7 You are correct. No other Gulf state did that,  
8 but that was a decision that was made, at the time, within  
9 our agency.

10 COMMISSIONER HAVARD: So, basically, because we  
11 had some data available, we took it upon ourselves to  
12 create a third sector.

13 Is that what I'm hearing?

14 MATT HILL: We had some data available and we  
15 presented it first to our Director at the time, and, then,  
16 to the Commission, and, then, ultimately to NOAA, and it  
17 was approved on all three segments of that process. We  
18 did have to make several modifications along the way, but  
19 that language stood through the entire process.

20 Yes, the decision was made, but it was approved  
21 multiple times before the EFP was finalized by NOAA.

22 COMMISSIONER BOSARGE: Matt.

23 MATT HILL: Yes, sir.

24 COMMISSIONER BOSARGE: This is Commissioner  
25 Bosarge. Louisiana -- and I don't have access to all the

1 information that you guys do, but I do have one piece of  
2 information where it goes by the weeks on their Red  
3 Snapper fishery, and I notice that they break out state  
4 charter, private angler and they give totals for each week  
5 of the amount of fish caught.

6 I noticed on the 2019 season, 8-26 through 9-1  
7 of 2019, the state charter landings sixteen thousand six  
8 hundred and nine pounds, and, then, from that point on it  
9 is all zeros.

10 Did Louisiana actually close their season to the  
11 state charter for-hire?

12 MATT HILL: No, they did not. We also noticed  
13 that in the presentation. They did not close it to the  
14 state for-hire. I did see they were capturing the  
15 landings from that sector all the way up to that point. I  
16 can't speak for Louisiana on why they -- it was a survey-  
17 based approach and I'm not sure why they didn't continue  
18 to include that on a weekly basis, or if they just wanted  
19 to go in a different direction at the time, but they were  
20 gathering that information for a period of time.

21 COMMISSIONER BOSARGE: You are saying that they  
22 didn't report it?

23 I mean, from what I see here, it looks like they  
24 actually closed it to them because they've got all zeros.

25 MATT HILL: Trevor will clarify on that one.

1 Louisiana's approach, it is called LA Creel. It  
2 is similar to MRIP. So it is a survey based approach.  
3 It's not like Tails n' Scales where you are getting every  
4 trip that is going out.

5 Therefore, if the trips became limited during  
6 that time period, Commissioner Bosarge, they might not  
7 have had any intercepts, or reports, from that, but there  
8 could have been landings. They just weren't reported, or  
9 surveyed, during that time.

10 COMMISSIONER BOSARGE: Okay. Good deal.

11 MATT HILL: They were open. We have a census  
12 program. So we are going to capture everything and just  
13 because they are open, if they don't have an intercept, it  
14 is a zero, but the industry was still allowed to  
15 participate in the fishery throughout the entire private  
16 recreational season.

17 COMMISSIONER HAVARD: So that means that they  
18 were able to catch Red Snapper and not report them?

19 Is that what you are telling me?

20 MATT HILL: They were just not interviewed at  
21 the dock, or chosen for the call for the LA Creel survey.

22 Like I said, we are going to capture all of them  
23 because we have the census approach with Tails n' Scales.  
24 we do not have a survey-based approach.

25 COMMISSIONER GOLLOTT: Mr. Chairman, can I say

1 something, please?

2 COMMISSIONER HAVARD: sure. Go ahead.

3 COMMISSIONER GOLLOTT: The CMR voted on this and  
4 approved it. This was presented to the CMR and approved  
5 by the CMR.

6 If the CMR didn't want these separated out, they  
7 could have voted no.

8 what is the deal?

9 COMMISSIONER HAVARD: who are you posing that  
10 question to, Commissioner Gollott?

11 COMMISSIONER GOLLOTT: who is making the  
12 presentation, Matt?

13 COMMISSIONER HAVARD: Yes, sir.

14 MATT HILL: You are correct. We did present it  
15 and it was voted on and approved by the CMR, during the  
16 application process.

17 COMMISSIONER HAVARD: But if I remember  
18 correctly, it was after the EFP had already been submitted  
19 to NOAA that we voted to approve it.

20 Is that correct?

21 MATT HILL: That is incorrect.

22 we had been working with NOAA on some  
23 preliminary documents to get to them about the structure  
24 of the forms and how everything was going. So there were  
25 several versions going back and forth with everybody.



1           It was a new process. We had never done it  
2 before with Red Snapper quite how we were doing it. There  
3 were some other species in there in the beginning, but the  
4 final version that was submitted to NOAA was after it was  
5 approved through the CMR.

6           COMMISSIONER DANIELS: Richard, just for a  
7 little bit of clarity for you, that was done under the  
8 EFP.

9           The EFP is no longer in effect for 2020. We are  
10 now back under Amendment 50 which clearly, in multiple  
11 areas, spells out that state for-hire vessels are  
12 recreational fishermen engaging in sport fishing  
13 activities. It also clearly states that there are two  
14 sectors, federally permitted boats and everybody else.

15          JOE SPRAGGINS: I believe if y'all let Matt go  
16 to the next slide, you will be able to get some of this  
17 brought out, sir.

18          MATT HILL: I'm trying to get there.

19          Brady, do we still have control of the screen?  
20 Go on to the next slide, Brady, if you can.

21          BRADY SMITH: All right. Hold on a second.

22          COMMISSIONER BOSARGE: Matt?

23          MATT HILL: Yes, sir.

24          COMMISSIONER BOSARGE: Just out of curiosity  
25 because I can't remember where I read it, part of the MRIP

1 surveys also is included in that as observer trips?

2 MATT HILL: I believe Florida is doing some  
3 through the MRIP, or they were. We are all currently  
4 doing observer trips through the NFWF Program. We are on  
5 our for-hire vessels that are both federally permitted and  
6 state for-hire. We are doing up to eleven observer trips  
7 once the season starts right now.

8 COMMISSIONER BOSARGE: Did we do any last year?

9 MATT HILL: We have done them for the last four  
10 years. This will be year five of us doing this.

11 COMMISSIONER BOSARGE: Observer trips aboard the  
12 state licensed charter vessels?

13 MATT HILL: No. We just opened that up to the  
14 state licensed guys last year. We had a little issue with  
15 some of the six-pack rules and things like that. Before  
16 that, it has been federally permitted guys, but we are  
17 trying to begin getting -- it has been approved that we  
18 can do it, now, as long as the numbers don't exceed the  
19 actual Coast Guard regulations.

20 It was easier in the beginning to do it on the  
21 multi-passenger vessels, obviously. We take up a lot of  
22 space when we are on there with all the things that we  
23 have do, but, yes, we can begin to do it on the state  
24 licensed for-hire vessels.

25 COMMISSIONER BOSARGE: All right. Thank you.

1           MATT HILL: Some of the language found in the  
2 EFP Appendix 1 in the Purpose section is persons aboard  
3 state-licensed charter vessels are prohibited from fishing  
4 for, or possessing, Red Snapper in, or from, federal  
5 waters when under charter, unless those vessels have a  
6 federal reef fish charter vessel/head boat permit.

7           This is saying the state for-hire industry is  
8 not allowed to harvest Red Snapper in federal waters.

9           In the Background section, state-permitted for-  
10 hire vessels are included in the private angling  
11 component, but are not able to fish in federal waters.

12           This is the chart that has been developed.  
13 Director Spraggins may want to elaborate on this a little  
14 bit more. We have come into agreement with this.

15           This is the nine-mile line currently observed by  
16 our department. As you can see, it passes through the  
17 north end of FH-13 and a small slither of FH-1, which is  
18 some of our snapper grounds and encompasses all of FH-2.

19           Any questions on this?

20           COMMISSIONER BOSARGE: So this would be the line  
21 where the state charter would have to stop.

22           Correct?

23           MATT HILL: That is correct.

24           COMMISSIONER HAVARD: It is hard to catch a  
25 legal fish, after about the third week inside that line.

1           JOE SPRAGGINS: If you will notice, sir, it  
2 angles back up toward the north on the western side and  
3 there is some issue there. If you will look where the  
4 little v goes south at about the middle of it, you will  
5 see a little v down. There are some issues to the west of  
6 that as to whether that is Mississippi and Louisiana  
7 conjunction, but I don't think there are any reef fish in  
8 that area to amount to anything right up against the  
9 islands anyway.

10           The point we were looking at, this is what had  
11 been agreed upon with our Marine Patrol and our Fisheries  
12 with Louisiana, I think, in the past and this is what had  
13 worked out.

14           We had a big meeting with the staff the other  
15 day about it and this is what they came up with that was  
16 the best line that we had that said exactly what we could  
17 do for state waters of reef fish only and that is reef  
18 fish only, and this is considered our nine-mile state  
19 waters.

20           COMMISSIONER HAVARD: Director Spraggins, do we  
21 have anybody from enforcement on with us this morning?

22           JOE SPRAGGINS: We do. Kyle and Patrick, I  
23 think, are both on.

24           COMMISSIONER HAVARD: I would just like to hear  
25 their side on is this, in reality, enforceable and how

1 difficult is it to enforce to prevent a charter boat  
2 running further south down to the bottom of FH-13, or FH-7  
3 for that matter, to catch fish after the fish get shy  
4 after the first couple of weeks.

5 JOE SPRAGGINS: Kyle, are you on?

6 KYLE WILKERSON: Yes, I am.

7 Can you hear me?

8 COMMISSIONER HAVARD: Barely.

9 KYLE WILKERSON: Me and my staff have discussed  
10 this and the enforcement criteria has not changed  
11 pertaining to Tails n' Scales. I will let Captain Levine  
12 go into details on your question.

13 Go ahead.

14 PATRICK LEVINE: Hey, Commission. This is  
15 Captain Levine.

16 As Chief said, we have had that discussion, and  
17 I want us to think back the last couple of years under the  
18 EFP how successful we have been in keeping compliance with  
19 checks. Throughout the year we maintained twelve percent  
20 for the last season. It averaged that we checked ten  
21 percent of the people fishing on an average day that  
22 participated in the program, ten percent.

23 Our officers did a fantastic job doing checks  
24 during snapper season.

25 with that said, when it comes to checking the

1 vessels that are not supposed to be going south of the  
2 nine nautical mile, the state for-hire, one of the things  
3 that we looked at was the placard that is required under  
4 Title 22 Part 8 Chapter 5 Section 100 for the privilege  
5 tax license decal and this would allow officers to  
6 identify state charter vessels. As they make contact,  
7 that will help increase public and officer safety, while  
8 they are out there working.

9 We are going to be out there checking vessels  
10 and we don't expect to do any less than what we have done  
11 in the past. We will be able to make contact with those  
12 charter vessels that are traversing between state and  
13 federal waters.

14 I think about it this way. If I was driving  
15 home and I knew that there was a highway patrolman sitting  
16 on the highway once every ten days, I think I would be  
17 doing the speed limit every day while I was out there, and  
18 that is one of the ways we can look at it. Our guys are  
19 going to be out there doing those compliance checks. As  
20 they are traversing those waters, we will make those  
21 stops.

22 If it is a situation where we come across  
23 somebody who is in violation of the laws, the state for-  
24 hire coming from federal waters with Red Snapper, there  
25 will be a citation issued and the catch either

1 confiscated, or returned to the sea.

2 JOE SPRAGGINS: Captain Levine, I think what the  
3 Commissioner is asking is what is your confidence.

4 what is the confidence of Marine Patrol that  
5 they can maintain that nine-mile barrier and maintain what  
6 we are asking for?

7 I think you pretty much answered that, but are  
8 y'all pretty much a hundred percent confident you can do  
9 it, or what is your confidence of how much you can do, as  
10 far as controlling that nine miles?

11 PATRICK LEVINE: We are confident. With the  
12 joint enforcement agreement with the hours that we know we  
13 are going to be putting into Red Snapper enforcement, we  
14 are confident that we can maintain compliance in that  
15 fishery.

16 JOE SPRAGGINS: Okay.

17 COMMISSIONER BOSARGE: Patrick, I think, is who  
18 I was talking to.

19 You are confident that you can tell a  
20 recreational boat from a charter boat from a distance?

21 PATRICK LEVINE: Two things there, Commissioner  
22 Bosarge.

23 First of all, on Tails n' Scales when somebody  
24 logs out for Tails n' Scales, it is going to tell us one  
25 of three things; recreational fisherman, federal for-hire,

1 or state for-hire. We will have that list. One of the  
2 things that we call it in enforcement is a hot list that  
3 we can let our guys know who is out fishing. We know that  
4 there are ten state for-hire vessels out fishing that day.

5 The other side of it is we are going to be  
6 looking for those individuals charter fishing, making sure  
7 they display that decal on their vessel showing --

8 COMMISSIONER BOSARGE: (Interposing) When you  
9 get out on the water, that is a big place and it doesn't  
10 take much -- anyhow, I guess the point I was trying to  
11 make, I understand the placard and that is good, but you  
12 have got to get right up within a hundred yards of them to  
13 see that placard.

14 I just wish we had another means of being able  
15 to identify the difference between a charter vessel and a  
16 recreational vessel from a distance.

17 PATRICK LEVINE: Well, we call in that  
18 registration number. So, if we can get close enough to  
19 get the documentation number, or the registration number,  
20 we will call that into dispatch. They will be able to  
21 tell us if they are checked out on Tails n' Scales, or  
22 not, and if they are state for-hire.

23 COMMISSIONER BOSARGE: All right.

24 COMMISSIONER DANIELS: Patrick, if I may, one of  
25 the things that I thought about on this -- because the



1 Director asked me a question very similar to this -- the  
2 boat registration sticker, not the numbers, but the little  
3 square sticker that goes in front of it, would it be  
4 possible for us to get a different colored one to apply to  
5 charter boats, like maybe a bright orange, or something  
6 that was more identifiable if you are just looking at a  
7 boat in passing?

8 PATRICK LEVINE: You should have already  
9 received one, when you purchased your charter for-hire  
10 license. It should be shaped like the state of  
11 Mississippi and it will be a different color that will go  
12 next to your registration number.

13 COMMISSIONER DANIELS: So ours are already a  
14 different color than any other?

15 PATRICK LEVINE: They are not a square. They  
16 are shaped like the state of Mississippi.

17 COMMISSIONER DANIELS: Yes. I've got that, but  
18 that goes on our windshield.

19 Correct?

20 PATRICK LEVINE: As long as it is visible on  
21 your vessel.

22 COMMISSIONER DANIELS: Okay.

23 PATRICK LEVINE: In Title 22 Part 8 Chapter 5  
24 Section 100, it says a seafood privilege license decal  
25 must be displayed on each vessel engaged in commercial

1 fishing activities, but will not be valid without the  
2 proper commercial harvester's license. The decal must be  
3 displayed next to the state registration number, or  
4 federal documentation number.

5 By letter of the law, it should be placed right  
6 there by your state registration. So when an officer  
7 looks at your registration number, he knows already I'm  
8 dealing with somebody engaged in the charter industry, or  
9 the commercial industry.

10 COMMISSIONER DANIELS: Okay.

11 JOE SPRAGGINS: One of the things that had been  
12 brought up, too, was the possibility of a flag, or  
13 something.

14 Commissioner Daniels, would you entertain that  
15 as to what me and you talked about?

16 COMMISSIONER DANIELS: The first thing that  
17 jumps out to me about that is criminals don't drive around  
18 with a sign in their window saying, hey, I'm robbing  
19 houses today.

20 If there is a flag, if they are going to be  
21 doing something that they are not supposed to be doing,  
22 they are going to pull it down.

23 Second of all, you are talking about a hindrance  
24 for the clients. The thing I told you is it is hard to  
25 get these people not to hook the boat. If I put a flag

1 over their head waving around, we are going to have a lot  
2 of problems with that. I don't think that is the right  
3 idea.

4 We do already have these stickers. It was my  
5 understanding, what I have been told is that they needed  
6 to be on our windshield so they would be most visible.

7 I would also make the recommendation of making  
8 the sticker instead of black, which I haven't received  
9 mine for this year yet. I don't know if they changed the  
10 color, but making it more visible. High vis green, or an  
11 orange, or something like that, to make it easier for  
12 y'all to spot them.

13 COMMISSIONER BOSARGE: You know, Ronnie, talking  
14 about that, and I'm not a hundred percent I'm correct on  
15 this, but I know down in Florida the guys that do the  
16 lobster, stone crab, also do the King Mackerel fishing.  
17 So to designate what fisheries that this boat can do they  
18 have to paint an orange round ball almost on the boat,  
19 and, then, a blue one and, especially when the enforcement  
20 is in an airplane, it lets them know what fishery that  
21 boat is involved in.

22 To get back to your point, to make it maybe a  
23 little easier for enforcement to see and something that is  
24 not a hindrance to you, something as simple as a one-foot  
25 square red sticker that you could put right up there on

1 each side the bow of your boat that would stand out to let  
2 enforcement and others know that that is a state chartered  
3 fishing vessel.

4 COMMISSIONER DANIELS: I think that is right in  
5 line with what I was just recommending in making these  
6 charter stickers a much more high visibility color. I  
7 don't think anybody would be opposed to making them  
8 larger, if we need that.

9 I don't think anybody is going to want to go  
10 paint a square on a hundred-and-something thousand dollar  
11 boat, but stickers can most certainly be utilized.

12 COMMISSIONER BOSARGE: All right.

13 COMMISSIONER HAVARD: I think all of those are  
14 good ideas, guys.

15 Let's see if we can't adapt some sort of way to  
16 identify these vessels with an easier manner.

17 Good brainstorm session there.

18 Captain Levine, if you would just kind of take  
19 that and go figure out the best most economical way to  
20 identify these vessels, and you guys continue doing a good  
21 job and get outside those bottlenecks, when you are  
22 checking boats, and get out close to that line and make  
23 sure that everybody is following the current law.

24 We appreciate it.

25 PATRICK LEVINE: Thank you, sir.

1 COMMISSIONER HAVARD: Matt, where does that  
2 leave us?

3 MATT HILL: I've just got a couple more  
4 comments.

5 COMMISSIONER HAVARD: You want to continue on?

6 MATT HILL: Yes, sir.

7 what Commissioner Havard was referencing to  
8 earlier, what we are under now is Amendment 50 and we have  
9 a little bit of the Amendment 50A and 50C language.

10 A little bit of the timeline that was eluded to  
11 earlier, some people are having difficulties understanding  
12 that in 2018 and 2019 we were under an EFP. This EFP was  
13 presented to the Commission on March the 20<sup>th</sup>, 2018.

14 The approved application was sent to NOAA April  
15 10<sup>th</sup> of 2018, and it was finalized and approved by NOAA  
16 April 19<sup>th</sup>, 2018, and those are the conditions that we have  
17 been working under for the past two years.

18 Now these are the conditions we are working  
19 under, under Amendment 50.

20 Amendment 50 consists of six amendments.

21 Amendment 50A consists of actions affecting all  
22 Gulf states and the overall federal management of Red  
23 Snapper, regardless of whether all states have a  
24 management program. In addition, each Gulf state has its  
25 own amendment.

1           Amendment 50C assigns three point five five  
2 percent of the total overall Gulf quota to Mississippi.

3           The Council's preferred alternative Program  
4 Amendment is for the state management to include only the  
5 private angling component, 50C page 14.

6           Amendment 50A would allow state management  
7 programs to be established for the private angling  
8 component only. The private angling component includes  
9 anglers fishing from privately-owned vessels and for-hire  
10 vessels without a federal, or state-licensed, permit,  
11 because the Council decided to include only the private  
12 angling component in state management.

13           Next, Brady.

14           Magnuson-Stevens Conservation and Management  
15 Act, MSA Section 3 definitions:

16           104-297. The term "charter fishing" means  
17 fishing from a vessel carrying a passenger for hire, as  
18 defined in Section 2101(21a) of Title 46 United States  
19 Code, who is engaged in recreational fishing.

20           Also in this same section the term "recreational  
21 fishing" means fishing for sport, or pleasure.

22           Next, Brady.

23           JOE SPRAGGINS: Commissioners, before we go any  
24 farther, we do have about ten public comments.

25           COMMISSIONER HAVARD: Okay. I've got one

1 question for Matt.

2 Matt, since there it is defined as two sectors  
3 out there, in your opinion, do we need a separate section  
4 and quota for state for-hire?

5 MATT HILL: It was done in 2018 and 2019 for the  
6 EFP because we had the numbers and we were asked to manage  
7 it as a consistent fishery.

8 Now, with Amendment 50, we know we have some  
9 consistency. Obviously, in the private recreational  
10 sector and, as defined here, if the Commission chooses to  
11 go back, obviously, we can go back to one sector.

12 COMMISSIONER HAVARD: But Amendment 50 states  
13 that there are only two sectors.

14 Right?

15 COMMISSIONER DANIELS: Multiple times, Mark.

16 If you read through that in the different parts,  
17 several times it clearly states that there are federally  
18 permitted, and, then, everybody else, and it goes on to  
19 the definitions that Matt just got finished reading, what  
20 for-hire charter vessels are, which is recreational  
21 fishermen.

22 COMMISSIONER HAVARD: So, Matt, in your opinion,  
23 do we need to separate the sector again that has already  
24 been separated for us from a federal level?

25 Do we need to separate the private recreational

1 sector again?

2 MATT HILL: I'm going to defer to legal and the  
3 Executive Director for that decision.

4 COMMISSIONER HAVARD: Okay.

5 COMMISSIONER BOSARGE: Come on, now, Matt.

6 JOE SPRAGGINS: Commissioners, what I would like  
7 to do, if you could, we have a couple of things that we  
8 need to do. We do have that in the briefing here shortly.

9 If we could go ahead, with your permission, and  
10 listen to the public comments, and, then, do the required  
11 motions we need.

12 Then, after that, we can come back to that one  
13 statement, sir, if it would be okay?

14 COMMISSIONER HAVARD: All right. Well, let's do  
15 that.

16 Brady, if you would just start from the top and  
17 let's work through all the public comments, and we will go  
18 from there.

19 JOE SPRAGGINS: If I can, sir, I will call them  
20 out by name.

21 Mr. Ralph Humphrey.

22 BRADY SMITH: Ralph Humphrey, your mike is live.

23 RALPH HUMPHREY: Good morning Director  
24 Spraggins. Good morning Commissioners.

25 I appreciate the opportunity to address this



1 issue. My name is Ralph Humphrey. I'm the president of  
2 the Mississippi Gulf Fishing Banks. I occupy a seat on  
3 the data collection advisory panel for the Gulf of Mexico  
4 Fishery Management Council and I'm a member of the CCA.

5 This morning I am speaking to you as a  
6 recreational fisherman, a very disturbed recreational  
7 fisherman.

8 I would like to remind you if it were not for  
9 the hard work and voice of the recreational fishermen, we  
10 wouldn't even have a state Red Snapper season.

11 Years ago the Gulf Council split up Red Snapper  
12 quotas and gave over half the quota to commercial  
13 fishermen.

14 The Gulf Council then created a sector  
15 separation and carved out a large portion of the  
16 recreational quota for federally-permitted charter  
17 captains.

18 Then, it was the Gulf Council that used  
19 ridiculous stock assessments, or estimates, to reduce  
20 snapper season for recreational fishermen each year until  
21 they finally cut us to three days, and that was the final  
22 straw.

23 Now, I don't want to slight the herculean  
24 efforts of all the dedicated employees of the DMR, but it  
25 was recreational fishermen that finally stood up and said,

1 enough is enough.

2 If not for the recreational fishermen in all  
3 five Gulf states taking their case to their respective  
4 state and Washington legislators, we wouldn't have a  
5 recreational snapper season at all.

6 I'm going to cut to the chase here because I am  
7 running out of time.

8 I would like to thank Commissioners Bosarge and  
9 Gollott for voting no at the last meeting. It is not  
10 often we agree on issues.

11 I understand where Commissioner Daniels comes  
12 from, as he is representing his constituents. I wonder,  
13 though, if you talked to the federally-permitted captains  
14 for their feedback.

15 Since Commissioner Guess missed that vote, I can  
16 only hope she listens to the voice of reason.

17 Finally, I wish to speak directly to  
18 Commissioner Havard. You have been a staunch ally for the  
19 anglers, since you came to the board. I have often  
20 admired your willingness to stand up for us, regardless of  
21 the push back.

22 So, for the life of me, I don't understand why  
23 you are deserting us now. I really implore you personally  
24 to do the right thing. Stand by the side of recreational  
25 anglers and please reject any further expansion of the

1 state charter snapper quota. Thank you.

2 COMMISSIONER HAVARD: Thank you.

3 COMMISSIONER DANIELS: Can I make one comment on  
4 that?

5 COMMISSIONER HAVARD: Sure.

6 COMMISSIONER DANIELS: Mr. Humphrey, I really  
7 appreciate what you are saying there, but let's not forget  
8 we are recreational anglers. We are nothing more than  
9 recreational anglers taking recreational anglers fishing.  
10 That is all I wanted to say.

11 JOE SPRAGGINS: All right. Next is Mr. Mark  
12 Comaduran, C-o-m-a-d-u-r-a-n. I don't want to  
13 mispronounce his name.

14 BRADY SMITH: Director, I don't see him on the  
15 call.

16 JOE SPRAGGINS: Okay. Next up is Mr. Bryan  
17 Cuevas.

18 BRADY SMITH: Bryan Cuevas, your mike is live.

19 BRYAN CUEVAS: All right. Thank you very much.

20 Gentlemen, I would like to say -- my name is  
21 Bryan Cuevas -- I am on the State Task Force for the state  
22 for-hire boats. I represent the offshore boats.

23 Let's consider this, as Commissioner Daniels has  
24 eluded to, that we are just recreational fishermen taking  
25 recreational fishermen fishing.

1           Now, in some of those amendments, the National  
2 Marine Fisheries Service, they mandate that the states  
3 comply with Amendment 50C.

4           In fact, if they determine that a state is not  
5 complying with the management of the private angling  
6 component and it is inconsistent with the fisheries  
7 management plan and the states fail to correct any of this  
8 inconsistency, especially after they have been notified  
9 and they have the opportunity to do so, then, the National  
10 Marine Fisheries Service would and could suspend the  
11 state's allocation. That is one major thing to consider.

12           Sure, there is going to be backlash, but the  
13 state for-hire vessels, well, we in no way will deplete  
14 the Red Snapper quota. We are restricted to and limited  
15 to a nine-mile line south of the barrier islands. In  
16 fact, that nine-mile line was specified, or put in place  
17 and established for state for-hire boats.

18           Now, anyone who has fished inside that nine-mile  
19 line come July, well, you don't catch any fish there. The  
20 waters warm up. Those fish move out. It is hard to get a  
21 legal snapper inside that nine miles.

22           I'm asking that the Commission do the right  
23 thing and abide by Amendment 50C and place us back in the  
24 recreational quota where we always belonged. Every Gulf  
25 state is complying, except Mississippi. We have always

1 been in the recreational quota limits and always should  
2 be.

3 COMMISSIONER HAVARD: Thank you for your time.

4 BRYAN CUEVAS: Thank you.

5 COMMISSIONER DANIELS: I've got one question.

6 Mr. Cuevas, you personally, as a charter boat  
7 owner and operator, are you willing to risk your business  
8 on running south of that line, or do you have other  
9 species that you can go entertain your clients with?

10 BRYAN CUEVAS: well, this is what is really good  
11 about a state for-hire boat. We can go out and initially  
12 land our quota, or our limit -- not quota, our limit of  
13 Red Snapper according to the passengers we have onboard.

14 Then, we can come back inside that three-mile  
15 line and catch other species. We have more options  
16 available for a state for-hire fishing boat than a federal  
17 boat.

18 Federal boats are only really technically  
19 entitled to Red Snapper during Red Snapper season.

20 We have the option to put these folks on trout,  
21 flounder, red fish, whatever species they desire to catch,  
22 as long as we are inside that three-mile line.

23 To answer your question, Commissioner Daniels,  
24 no. I would not risk a fine, a penalty, or have any what  
25 I call baggage. Once you are caught one time, they are

1 going to look at you every day you go out, and that is not  
2 worth it.

3 COMMISSIONER DANIELS: Thank you, Mr. Cuevas. I  
4 appreciate your comments.

5 JOE SPRAGGINS: Sir, next up is Mr. William  
6 Strayham.

7 BRADY SMITH: Director, he is not on the call.

8 JOE SPRAGGINS: How about Mr. Bill Hancock?

9 BRADY SMITH: I don't see him on the call.

10 JOE SPRAGGINS: How about Mr. Terry Pratt?

11 BRADY SMITH: Terry Pratt, your mike is live.  
12 Terry, can you hear us?

13 JOE SPRAGGINS: Mr. Pratt, are you on, sir?

14 (No response.)

15 JOE SPRAGGINS: He must have stepped away. We  
16 can try to call him back, since he was there.

17 Next up is Mr. Randall Broussard.

18 BRADY SMITH: Randall Broussard, your mike is  
19 live.

20 JOE SPRAGGINS: Mr. Broussard?

21 (No response.)

22 JOE SPRAGGINS: How about Mr. Johnny Marquez?

23 BRADY SMITH: Johnny Marquez, you mike is live.

24 JOHNNY MARQUEZ: Can you hear me?

25 JOE SPRAGGINS: Yes, sir.

1 Mr. Marquez, is that you?

2 JOHNNY MARQUEZ: Yes.

3 I appreciate the opportunity to comment today  
4 and it is kind of tough to jam in, in ninety seconds.

5 First, I would like to echo Mr. McDermott's  
6 concerns and the petition that was filed for  
7 reconsideration.

8 This is a pretty big issue. Recreational  
9 anglers, I don't think have any idea that what is on the  
10 table today is putting state charter for-hire back as part  
11 of the private recreational angling quota.

12 In this time of the COVID and these remote  
13 communications, it is an issue that really deserves the  
14 time to be flushed out with more of a public notice and  
15 comment-type session.

16 To some of the comments that were raised here,  
17 when the EFP was developed and state management was  
18 considered, first, we had sector separation that developed  
19 that gave away part of that private recreational quota to  
20 the federal charter for-hire. There was no state charter  
21 for-hire.

22 When we moved into the EFP, we had five, or six,  
23 anglers that were state charter for-hire and it was on the  
24 basis of those numbers that we requested our allocation  
25 for Amendment 50. That went into the EFP, and, then,

1 followed into Amendment 50.

2 Now, we have Amendment 50 and we've got a state  
3 charter for-hire group that is wanting to come back in and  
4 say, we want to be added in that, and their numbers were  
5 never counted to begin with. We would have asked for more  
6 quota, if that was the case.

7 It is a new industry for all practical purposes  
8 that is wanting to get some of this quota, which comes  
9 directly from the private angling community --

10 COMMISSIONER HAVARD: (Interposing) Mr.  
11 Marquez, I appreciate your time. Time is up.

12 JOHNNY MARQUEZ: All right.

13 COMMISSIONER HAVARD: Appreciate it.

14 JOHNNY MARQUEZ: Thank you.

15 BRADY SMITH: Director Spraggins, we've got  
16 Randall Broussard asking to speak again.

17 JOE SPRAGGINS: Mr. Broussard, if you could go  
18 ahead, then.

19 BRADY SMITH: Randall Broussard, your mike is  
20 live.

21 JOE SPRAGGINS: Mr. Broussard, is that you, sir?  
22 (No response.)

23 JOE SPRAGGINS: I don't know. Something is not  
24 working.

25 Keep trying with him, if you can, Brady, and



1       Let's move on and go to Mr. Clarence Seymour.

2                   CLARENCE SEYMOUR: Can y'all hear me?

3                   BRADY SMITH: Your mike is live.

4                   CLARENCE SEYMOUR: This is Captain Clarence  
5 Seymour, charter boat SYL, federally permitted, chairman  
6 of the For-Hire Task Force Mississippi, Board of Directors  
7 of CFA, Charter Fishing Association, and a private angler.

8                   I'm here today to talk about Amendment 50, and I  
9 was listening in. I am kind of concerned if we roll up  
10 all the state guys in Amendment 50, there is an  
11 opportunity that all the federal fleet in Mississippi  
12 could drop permits and fish under Amendment 50 and put a  
13 really big lick on the Red Snapper allocation.

14                   You take one head boat, or two, such as the  
15 Silver Dollar, III, or the Keesler Dolphin, II, and they  
16 decide to fish eighty-three days, that is what you are up  
17 against.

18                   My second thing is the For-Hire Task Force, back  
19 in February, recommended fifty percent raise of the Red  
20 Snapper quota for the for-hire and we all agreed that that  
21 would be a small step for giant mankind, but, now, for  
22 some ungodly reason we are moving it to a hundred percent,  
23 which we talked about. Let's take an inch instead of a  
24 mile and everybody agreed on it, all the guys that are on  
25 the board, which are seven of us.

1           The thing about what the task force is, if it is  
2 going to be a dog-and-pony show -- I have been the leader  
3 of that thing for about five years now and I think, if we  
4 are being disregarded by whoever to not have input, I am  
5 wasting my time on it.

6           Anyway, are there any questions?

7           That's all I've got. I'm not for moving it up  
8 to a hundred percent. I'm for fifty percent.

9           Any questions?

10          COMMISSIONER HAVARD: Thanks for calling in  
11 today. Thank you.

12          COMMISSIONER BOSARGE: Clarence.

13          CLARENCE SEYMOUR: Yes, sir.

14          COMMISSIONER BOSARGE: Are you for putting the  
15 charter for-hire back in the recreational sector?

16          CLARENCE SEYMOUR: No. Amendment 50 wasn't  
17 really made for that. I'm just afraid, with our three  
18 point five percent allocation, it could be very, very  
19 abused by anybody wanting to get in the industry, and it  
20 really wasn't meant for the nine-mile line to be where  
21 it's at, anyway.

22                 When I started twenty-three years ago, we had a  
23 three-mile boundary and a federal permit was definitely  
24 necessary for all species, reef and for legend.

25                 Now that the Omnibus Bill has the nine-mile

1 boundary in it, it just opens up a whole different sector  
2 where private anglers will not have the opportunity that  
3 they will if you start letting the charter for-hire sector  
4 move on to that allocation.

5 Allocation-based fisheries are a very, very  
6 difficult resource to manage.

7 COMMISSIONER BOSARGE: By doing allocations in  
8 quotas, it keeps the fishery in check, but, yes, it is  
9 hard to figure out who gets what.

10 I appreciate your honesty.

11 CLARENCE SEYMOUR: Thank you, Commissioner  
12 Bosarge. Y'all have a good one.

13 JOE SPRAGGINS: Next up is Mr. Tommy Elkins.  
14 Is this Mr. Elkins?

15 BRADY SMITH: No, sir. This is Brady. Randall  
16 Broussard is trying to talk again.

17 Do you want me to allow him?

18 JOE SPRAGGINS: Yes, go ahead.

19 BRADY SMITH: Randall, your mike is live again.  
20 You need to unmute to speak.

21 RANDALL BROUSSARD: Can you hear me now?

22 JOE SPRAGGINS: Yes, sir.

23 RANDALL BROUSSARD: Okay. Finally. I had to  
24 switch from an ipad to a laptop to a cell phone.

25 Good afternoon gentlemen. I appreciate you

1 giving us the time to discuss this stuff.

2 I am speaking on behalf of recreational  
3 fishermen. Most of the stuff I wanted to discuss and my  
4 concerns have mostly been already answered and talked  
5 about and everything else.

6 One concern that I have, now, with putting them  
7 back into the recreational quota is what is to keep them  
8 next year, or two years from now, coming back and asking  
9 to be separated again with a larger quota.

10 I'm worried. They had a quota. They were  
11 asking for a fifty percent increase. They changed that to  
12 a hundred percent. They saw that the recreational  
13 fishermen were going to speak up about it.

14 Now, they asked to be put back in recreational  
15 quota, which they ain't going to do nothing there but give  
16 them a ten thousand pound increase.

17 I'm worried about two years from now they come  
18 back and ask to be separated and instead of a six thousand  
19 pound quota, they ask for a ten thousand pound quota  
20 because the data shows that they have caught ten thousand  
21 pounds a year. I mean, they could pad numbers, or  
22 anything.

23 I am totally against putting it back in  
24 recreational.

25 I will support the fifty percent increase, not a

1 hundred percent, but I cannot support putting them back in  
2 recreational. That's all I've got to say. Thank you.

3 COMMISSIONER HAVARD: Thank you for your time.

4 COMMISSIONER DANIELS: If y'all will indulge me,  
5 I would like to make one quick comment because this has  
6 been brought up twice. They are saying that state charter  
7 for-hire being "they" are asking to be put back in the  
8 recreational.

9 That is not the case. They never asked to be  
10 removed from it to begin with.

11 I think the only thing we are looking here is  
12 for them to be placed back where they originally were  
13 intended to be.

14 RANDALL BROUSSARD: But it was not a problem.

15 COMMISSIONER DANIELS: No, sir. That was not a  
16 question. I was just making a comment on something that  
17 has been stated a couple of times.

18 RANDALL BROUSSARD: I was just saying it was  
19 never a problem before, Ronnie, until now. There are more  
20 boats involved in state for-hire and y'all are hitting  
21 y'all's quota. Now, y'all need more. I understand that.

22 I mean, look, I'm going to be retiring in about  
23 two years and, believe me, I'll go get my state for-hire  
24 tomorrow because I have had a hundred ton captain's  
25 license for thirty-five years and I will be in the charter

1 business in two years, if I've got to, and that is what is  
2 going to happen.

3 just like Seebo (phonetic) said, more people are  
4 going to get in the business.

5 COMMISSIONER HAVARD: Thanks for your time.

6 Have we got anybody else on there, Brady?

7 JOE SPRAGGINS: Yes, we do, sir. Mr. Tommy  
8 Elkins.

9 BRADY SMITH: Tommy Elkins, your mike is live.

10 JOE SPRAGGINS: Mr. Elkins, can you hear us?

11 (No response.)

12 JOE SPRAGGINS: How about Derrick Saucier?

13 BRADY SMITH: Derrick Saucier, your mike is  
14 live.

15 DERRICK SAUCIER: Good afternoon, Commissioners.  
16 I appreciate y'all letting me talk.

17 I just wanted to bring up the problems with  
18 increased quota for state for-hire. They are going to be  
19 out there a lot more than recreational fishermen that get  
20 a Friday, Saturday, Sunday off.

21 I am wondering if there is any way y'all can  
22 consider, if this does move into one sector together,  
23 doing weekends only for everybody, cut the Monday,  
24 Tuesday, Wednesday, Thursday out and let equal share for  
25 everybody different times going fishing?

1           Another thing I would like to look at is the  
2 same thing that happened with speckled trout back in 2012-  
3 2013. It is pretty profitable this time of the year. The  
4 snapper season is pretty profitable for guys.

5           You need to look at a way to do a permit just  
6 like we do our trout endorsements for certain people to be  
7 allowed to go out there and catch snapper, not just any  
8 johnny-come-lately that wants to go make a few bucks.

9           If you are going to let people in the state,  
10 state for-hire catch snapper, let it be the people that do  
11 it for a living, not the guy that goes and does it one day  
12 a week, or two days a week, for a tax writeoff, or  
13 anything like that.

14           Another thing. Federal boats are going to a VMS  
15 required tracking system. That is one thing to look at  
16 for state for-hire. If you are going out there snapper  
17 fishing, put a VMS on there. That is one way to keep  
18 everybody honest.

19           There are plenty of options out there. It's  
20 just that you've got to look at the big picture.

21           I think weekends only would be a big thing to  
22 help everybody out; make the snapper season last a little  
23 bit longer because with the more boats we are adding, more  
24 quota for the state for-hire, it is going to be ending  
25 pretty quick. Thank y'all for your time.

1 COMMISSIONER HAVARD: Thank you.

2 JOE SPRAGGINS: Mr. Michael McDermott.

3 BRADY SMITH: Michael McDermott, your mike is  
4 live.

5 MICHAEL MCDERMOTT: Hello.

6 JOE SPRAGGINS: Yes, sir.

7 MICHAEL MCDERMOTT: I would like to comment on  
8 three things.

9 First of all, this isn't a situation that the  
10 Commission is dealing with for the first time and the  
11 department is dealing with for the first time.

12 This same issue was arising in the commercial  
13 sector, when that nine-mile line was extended, and it is  
14 my understanding that Title 22 Part 7 Chapter 9 Paragraph  
15 103 was modified to require participants in the state for-  
16 hire sector to also comply with all the regulations of the  
17 federal sector, which essentially had the effect of  
18 quashing a state for-hire commercial sector.

19 We seem to be eager to do the opposite thing  
20 here.

21 The other issues that I wanted to discuss --  
22 well, first of all, the allocations that were pointed out  
23 earlier, these boats didn't have significant landings,  
24 when we were negotiating the allocation. Now, they are  
25 expanding year over year a hundred percent at least every



1 year, and it is soaking up our fish.

2 Third is the compliance issue. I am in favor of  
3 putting these decals on the boats. I think that is great.  
4 The feds have been faced with this decision on all other  
5 for-profit stakeholders and found that VMS's are  
6 necessary.

7 I don't think we need to saddle our DMR officers  
8 with ensuring these guys are in compliance. We need to  
9 get VMS's on these boats and let them police themselves.

10 My time expired. I could say a lot more, but I  
11 will leave y'all with that.

12 COMMISSIONER HAVARD: Thank you, sir.

13 JOE SPRAGGINS: Mr. Mark Wright.

14 Brady, do you see Mr. Mark Wright?

15 BRADY SMITH: Yes.

16 Mark Wright, your mike is live.

17 MARK WRIGHT: Thank you very much.

18 Good afternoon General Spraggins and  
19 Commissioners.

20 My name is Mark Wright. I'm a state for-hire  
21 captain, a For-Hire Task Force board member and Red  
22 Snapper Subcommittee Chairman for the Mississippi Fishing  
23 Guide Association.

24 The association currently has forty members that  
25 includes charter captains, guides, crew and associated

1 industry partners.

2 I respectfully ask that the Commission accepts  
3 this statement.

4 We have a very warranted concern pertaining to  
5 the way the state for-hire component was selectively  
6 removed from the private recreational quota by your  
7 agency.

8 It is the general consensus of state for-hire  
9 captains that, by your agency's action, we have been  
10 separated as to restrict us from fair participation in the  
11 Red Snapper allocation.

12 Having said this, Amendment 50C clearly states  
13 that there are only two user groups in the recreational  
14 sector; one being the federal reef fish permit for-hire  
15 component which is allotted forty-two point three percent  
16 of the total recreational quota and the other is the  
17 private recreational and state for-hire component which  
18 are combined and is allotted fifty-seven point seven  
19 percent of the quota. There are no further divisions  
20 outlined within the Amendment.

21 For whatever reason, Mississippi is the only  
22 state in the Gulf that selectively chose to separate the  
23 state for-hire component.

24 In accordance with Amendment 50C, we ask that  
25 you correct this issue immediately. Thank y'all for your

1 time.

2 JOE SPRAGGINS: One other one, Mr. Terry Pratt.

3 Did you ever get him back on, Brady?

4 He was on, and, then, we couldn't get him.

5 BRADY SMITH: Terry Pratt, your mike is live.

6 JOE SPRAGGINS: Well, if that is the case that  
7 we can't get Mr. Pratt on, that is all we have, sir.

8 COMMISSIONER HAVARD: All right. Thank you.

9 JOE SPRAGGINS: Now, you might want to go to  
10 that next slide, Matt, back to your required motion.

11 COMMISSIONER DANIELS: At this time, I would  
12 like to make a motion to rescind the state charter for-  
13 hire increase that we passed last month.

14 COMMISSIONER HAVARD: I have a motion to rescind  
15 the motion that was made two weeks ago, or three weeks  
16 ago, in the zoom meeting.

17 JOE SPRAGGINS: Excuse me, Mark.

18 COMMISSIONER HAVARD: Sir?

19 JOE SPRAGGINS: If it is not going to be what is  
20 written there, we need to type something in. Let's get  
21 this correct.

22 COMMISSIONER DANIELS: Hang on. Let me read  
23 what we've got here. I've got to get these names out of  
24 the way.

25 COMMISSIONER BOSARGE: For a little bit of

1 clarity, which amendment are you talking about?

2 COMMISSIONER DANIELS: The motion that I had  
3 previously made to increase the quota. I believe that is  
4 the motion that this is talking to. So I am reading the  
5 rest of this now.

6 COMMISSIONER BOSARGE: The motion we made in one  
7 pervious meeting, it failed I think two to two, and it was  
8 my understanding that with that motion failing, it  
9 actually, in other words, cancelled the motion in the  
10 meeting prior.

11 Has something changed?

12 COMMISSIONER DANIELS: Sandy, is that correct,  
13 or does this motion just need to be read the way that it  
14 is written here on the screen?

15 SANDY CHESNUT: The March 31<sup>st</sup> motion was not  
16 overridden by the April 7<sup>th</sup> motion because the April 7<sup>th</sup>  
17 motion did not address that previous motion.

18 COMMISSIONER BOSARGE: So, Sandy, you are saying  
19 that the April 7<sup>th</sup> motion, which I think that would be the  
20 motion where we increased the total by a hundred percent,  
21 still stands?

22 SANDY CHESNUT: It is a motion that was made by  
23 the Commission. However, it is not a valid motion, under  
24 the provisions of Amendment 50.

25 COMMISSIONER DANIELS: I am actually going to go

1 with the motion that is on the screen, the required motion  
2 there.

3 CMR should rescind previous motion because the  
4 EFP has expired and Amendment 50 does not recognize a  
5 separate state for-hire component within the private  
6 recreational sector.

7 SANDY CHESNUT: I would just specify the  
8 previous motion is in reference to the motion made on  
9 March 31<sup>st</sup>.

10 COMMISSIONER DANIELS: So the previous motion  
11 mentioned in this is the motion that was made on March  
12 31<sup>st</sup>.

13 COMMISSIONER BOSARGE: By doing this, if I'm  
14 correct, then, we would wind up with the state for-hire  
15 with a three-thousand-and-something pound quota?

16 COMMISSIONER DANIELS: No, sir. They will not  
17 have their own quota. They will be placed back where they  
18 were originally meant to be which is in the recreational  
19 quota.

20 COMMISSIONER BOSARGE: But that motion doesn't  
21 say anything about that. All that motion was about was  
22 increasing the quota. If we rescind that motion, all we  
23 want is to rescind increasing the quota.

24 COMMISSIONER DANIELS: Yes, sir. That is where  
25 the second half of this comes in, that the EFP has expired

1 and Amendment 50 does not recognize a separate state for-  
2 hire component.

3 COMMISSIONER BOSARGE: I think that will  
4 probably have to be something a judge would have to decide  
5 because they don't state one way, or the other. They  
6 basically left it up to the states. I think you are using  
7 Amendment 50 kind of in a wrong way.

8 COMMISSIONER DANIELS: It clearly states that  
9 state-licensed charter boats fall under the recreational  
10 quota.

11 COMMISSIONER HAVARD: It is not up for opinion  
12 at this point, but I think what we need to do is we need  
13 to have two motions. One motion will rescind the decision  
14 made on the state for-hire quota made on March 31<sup>st</sup>, and,  
15 then, if we want to add a second motion to include the  
16 required motion, we can do so.

17 what do you think about that, Sandy?

18 Do you want to separate them?

19 SANDY CHESNUT: You certainly could.

20 COMMISSIONER HAVARD: The motion to rescind the  
21 statement that was made on March 31<sup>st</sup> is something that we  
22 are required to do because it is incorrect.

23 what is your motion, Commissioner Daniels?

24 Do you want to include them both, or do you want  
25 to do it all at one time?

1           COMMISSIONER DANIELS: I think I would lean on  
2 sandy to clarify what we need to do here. If we can  
3 handle this all in one, I would not be opposed to doing  
4 that. If we have to do them in two, I am not opposed to  
5 doing that either.

6           COMMISSIONER BOSARGE: What is the next slide?  
7 I didn't get a mailout this time. I can't look  
8 at the next slide.

9           JOE SPRAGGINS: Commissioner Bosarge, the only  
10 thing is what they are trying to do with this, number one,  
11 is the motion that was made on the 31<sup>st</sup> of March said a  
12 hundred percent to sixty-six hundred pounds. That is not  
13 correct. A hundred percent would have been less than  
14 sixty-six hundred pounds.

15           what we are saying is that motion needs to be  
16 rescinded because it is not correct the way it is put. If  
17 it had said sixty-one hundred and seventy whatever pounds,  
18 it would be different, but it did not say that. It said  
19 something that was incorrect of what a hundred percent is.

20           That is what, I think, they are trying to  
21 correct at this point.

22           COMMISSIONER BOSARGE: It is very confusing, Mr.  
23 Joe, because we are trying to do two, or three, different  
24 things in one motion and I don't see that happening. I  
25 remember the motion.

1           Go to the next slide, please.

2           I was trying to pull it up on my phone, but I  
3 can't see it. I thought we had some more options here.

4           JOE SPRAGGINS: There are, sir, but this has  
5 nothing to do with Amendment 50. What I'm trying to say  
6 is this slide here, the motion that needs to happen is we  
7 need to rescind that because it is not an accurate motion.  
8 The motion to say a hundred percent to sixty-six hundred  
9 pounds is not correct, and that is what we are trying to  
10 do.

11           Then, we can bring up the other options after  
12 that to look at and that is perfectly fine, sir, but I  
13 think we need to make sure that we rescind that motion  
14 before we go any further.

15           COMMISSIONER BOSARGE: That is fine with me, if  
16 you want to rescind that motion, but let's try not to wrap  
17 too many things up in that motion because this motion  
18 should only deal with rescinding a previous motion.

19           COMMISSIONER DANIELS: Okay. That is fine with  
20 me. I will go with that.

21           I will make a motion to rescind the March 31<sup>st</sup>  
22 motion that passed pertaining to the increase in state  
23 for-hire quota.

24           COMMISSIONER HAVARD: I have a motion at this  
25 time to rescind the motion made on March 31<sup>st</sup>, 2020.



1 Do I have a second for the motion?

2 COMMISSIONER GUESS: Commissioner Guess seconds.

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

5 I think we only have four Commissioners on here.  
6 So we are going to do roll call.

7 All those in favor say aye.

8 Commissioner Guess?

9 COMMISSIONER GUESS: Aye.

10 COMMISSIONER HAVARD: Commissioner Bosarge?

11 COMMISSIONER BOSARGE: Aye.

12 COMMISSIONER HAVARD: Commissioner Daniels?

13 COMMISSIONER DANIELS: Aye.

14 COMMISSIONER HAVARD: Commissioner Havard, aye.

15 We have rescinded the motion that was made on  
16 March 31<sup>st</sup>, 2020.

17 Now, let's move on a little bit further.

18 Ronnie, did you have another motion, or did we  
19 want to continue to go through these slides?

20 Are we at the end of the slides, Matt?

21 COMMISSIONER BOSARGE: We've got one more slide.

22 COMMISSIONER HAVARD: All right.

23 Matt, do you want to continue on with this other  
24 slide, and, then, we will figure out what to do after  
25 that?

1           COMMISSIONER HEBERT: Yes. It shrunk down on my  
2 screen.

3           All right, Brady. I'm going to go with that CMR  
4 Option.

5           JOE SPRAGGINS: That is up.

6           MATT HILL: CMR Option. Motion to establish a  
7 separate sector for state charter for-hire from the  
8 private recreational sector.

9           This motion would require a regulatory change to  
10 Title 22 Part 7.

11           After the Commission approves the proposed  
12 regulatory change, it will go out for public notice for a  
13 minimum of twenty-five days.

14           The CMR may request a public hearing; however,  
15 if a political subdivision, or agency, or more than ten  
16 people, request an oral proceeding, the public hearing  
17 must be held no earlier than twenty days after the public  
18 has been notified of the date, time and location of said  
19 hearing.

20           The proposed change, along with the comments  
21 received at the public hearing, will then be presented to  
22 the Commission for their final approval.

23           Upon final approval by the Commission and filing  
24 with the Secretary of State's office, the new regulation  
25 will be effective thirty days after filing.

1           COMMISSIONER BOSARGE: So, if I understand this  
2 correctly, if we -- so we rescinded that. So, right now,  
3 the way that it stands is that we have sector separation  
4 and we had the charter for-hire separated out and they are  
5 back to their three thousand and something pounds.

6           COMMISSIONER HAVARD: No, sir. I don't believe.  
7 That was during the EFP.

8           JOE SPRAGGINS: What we are faced with right  
9 here, when the EFP was in effect up to December the 31<sup>st</sup> of  
10 2019, you are a hundred percent correct.

11           Once that was done and in February when  
12 Secretary Ross turned it over and signed Amendment 50, we  
13 are no longer working under the EFP which had a  
14 separation.

15           What is happening now is that the state for-hire  
16 is considered recreational under Amendment 50 and that is  
17 what they are saying, it is considered that.

18           If y'all would like to change that and you would  
19 want to do a separate sector to make a regulation, then,  
20 they are saying we need to do it this way, sir.

21           COMMISSIONER BOSARGE: I understand all of that,  
22 Mr. Joe. In other words, we did an exempted fishing  
23 permit and we set out what we were going to do in that  
24 exempted fishing permit and, even though that has expired,  
25 set up our program for managing Red Snapper.

1           Now, if I read this motion correctly, we are  
2 going to make a motion to change what we have done up to  
3 this point.

4           Correct?

5           JOE SPRAGGINS: I think what happened when  
6 Amendment 50 was signed, when it took the EFP out, the EFP  
7 is no longer in effect, sir.

8           I don't really care which way y'all go with  
9 this. I will be honest with you a hundred percent.

10          I am just trying to tell you, by rules what I am  
11 being told by legal, is that once Amendment 50 was signed,  
12 Amendment 50 does not separate the state for-hire.

13          Because of that, if the Commission would like to  
14 have a state for-hire separate sector, then, they need to  
15 set that up and to do it, we need to do it by regulatory  
16 change and not just make a change that was done before.

17          That is what Sandy is telling me and what legal  
18 is saying and, sir, all I'm trying to do is follow the  
19 rules.

20          COMMISSIONER BOSARGE: I'm with you, Mr. Joe.

21          If we do this now, this will not affect this  
22 year's season, the way I see it.

23          JOE SPRAGGINS: Right now, unless somebody can  
24 show me something different, the state for-hire is under  
25 recreational. They are restricted to nine miles.

1           If y'all decide to do this, then, you have to do  
2 a motion to be able to change Title 22 Part 7 and that  
3 would be able to get us to go out and that would mean it  
4 would be next meeting, which that could be tomorrow. You  
5 could call a special meeting tomorrow. Whenever you want  
6 to do it to get to twenty-five days out, but, then, we  
7 would have to go out for twenty-five days for public  
8 comment, if this is what y'all chose to do and, then,  
9 after that point, if we had it -- which I am sure we will  
10 probably have at least ten people request for an oral  
11 proceeding -- we would have twenty days from that point to  
12 do that, and, then, once that has happened, then, we would  
13 come back to the Commission and ask you to adopt it, or  
14 not adopt it. If you did, it would go thirty days from  
15 that point before it is in effect.

16           COMMISSIONER BOSARGE: So to my point, this  
17 would probably not affect this season.

18           Correct?

19           JOE SPRAGGINS: This could be in effect this  
20 season, but it would be probably later in the season.

21           COMMISSIONER BOSARGE: Okay.

22           COMMISSIONER GUESS: It sounds like it would be  
23 too late regardless, I think. Steve, that's what it  
24 sounds like to me.

25           COMMISSIONER DANIELS: I've got say going down

1 this road again, whenever we have already been down this  
2 road, I am vehemently against carving these guys out of  
3 where they rightfully belong. It is spelled out time and  
4 time again, and it should not have been done in the first  
5 place. I don't see any reason why we do that again. We  
6 are recreational fishermen taking recreational fishermen.  
7 There is no reason to go pulling them out just to do it.

8 COMMISSIONER BOSARGE: It sounds like you've got  
9 some people for it and some people against it, Ronnie.

10 I would say one thing and I am sure you have  
11 probably given this thought, but, anyhow, you might not  
12 really want what you wish for, when it is all said and  
13 done because being able to fish within nine miles, I would  
14 hate to know I was the one that had to go out and fish  
15 only to nine miles and try to catch some fish. That is  
16 going to be tough.

17 COMMISSIONER DANIELS: No, it's not.

18 JOE SPRAGGINS: I don't have a choice on it.  
19 The rules state that if you are a state for-hire, unless  
20 you have a federal permit, then, you must stay within nine  
21 miles and I have no choice with that, sir.

22 COMMISSIONER BOSARGE: I agree with you, Mr.  
23 Joe, but I do agree with one of the other callers. On the  
24 commercial side, we have VMS and there are places where we  
25 can't even run across bottom because it is a closed

1 bottom. You can't fish it. You can't even transit it.

2           Anyhow, that would be a good thing to do. Keep  
3 everybody honest.

4           COMMISSIONER HAVARD: I agree with you,  
5 Commissioner Bosarge. I think there are a lot of things  
6 that we can do to make this fishery better and make people  
7 abide by the law.

8           I think there are lot of areas of this sector  
9 separation that we need to explore and we need to look at  
10 it and see what the other Gulf states have done and why  
11 they have done it, not just arbitrarily choose to separate  
12 the recreational sector.

13           I think this is a work in process for a long  
14 time, and, then, hopefully by next year's season we can  
15 have it refined and have some good reasoning behind what  
16 decisions will be made.

17           I agree with what you are saying as well.

18           COMMISSIONER BOSARGE: Mr. Joe, when we had the  
19 Petition for Reconsideration, was that petition for the  
20 motion where we increased the quota, if I'm correct?

21           JOE SPRAGGINS: Yes, sir. That was for the one  
22 on March 31<sup>st</sup>. The Petition for Reconsideration was for  
23 the March 31<sup>st</sup> motion.

24           COMMISSIONER BOSARGE: If we rescinded that  
25 earlier motion, does that kind of --

1           COMMISSIONER HAVARD: (Interposing) It was a  
2 lot of paperwork done for no reason, Steve. We rescinded  
3 it and it is a mute point.

4           SANDY CHESNUT: I was going to address that.  
5           You need to formally address the Petition for  
6 Reconsideration. The requested action in the petition was  
7 to reconsider and reverse any action taken at the March  
8 31<sup>st</sup>, 2020, Special Session webinar concerning the 2020  
9 State For-Hire ARS allocation.

10           Now, by your previous motion to rescind that  
11 March 31<sup>st</sup> motion, you, in essence, have granted the relief  
12 requested.

13           Now, the reverse part of this petition, you may  
14 want to speak to that. I think he was saying to go back  
15 to the old quota, but, as we have learned, with Amendment  
16 50 as it is worded, we don't have that authority.

17           The Commission may establish that authority at a  
18 later date, or they may keep it the same, but, at this  
19 time, we don't have the authority to establish a separate  
20 quota for the state for-hire sector.

21           COMMISSIONER BOSARGE: I disagree.

22           SANDY CHESNUT: If I could a motion on how you  
23 want to deal with the petition, then, we will have that  
24 part over with.

25           COMMISSIONER BOSARGE: Then, I would make a



1 motion to grant his Petition for Reconsideration.

2 SANDY CHESNUT: Thank you.

3 COMMISSIONER HAVARD: Sandy, is that something  
4 we all need to vote on?

5 SANDY CHESNUT: Yes, sir.

6 COMMISSIONER HAVARD: I have a motion for the  
7 Petition for Reconsideration.

8 Do I have a second?

9 COMMISSIONER GUESS: I'll second it.

10 COMMISSIONER HAVARD: I have a motion and a  
11 second.

12 All those in favor say aye.

13 Commissioner Guess?

14 COMMISSIONER GUESS: Aye.

15 COMMISSIONER HAVARD: Commissioner Daniels?

16 COMMISSIONER DANIELS: Nay.

17 COMMISSIONER HAVARD: Commissioner Bosarge?

18 COMMISSIONER BOSARGE: Aye.

19 COMMISSIONER HAVARD: Commissioner Havard, nay.  
20 The motion dies.

21 SANDY CHESNUT: what?

22 JOE SPRAGGINS: Commissioners, I think y'all  
23 misunderstood here and I just want to make sure we  
24 understand this.

25 He asked, in his Petition for Reconsideration,

1 that we rescind what we did on the 31<sup>st</sup> day of March,  
2 considering raising that to sixty-six hundred pounds.

3 COMMISSIONER HAVARD: which we did.

4 JOE SPRAGGINS: This is just my personal  
5 opinion. I think we need to accept his Petition for  
6 Reconsider because we have already done it.

7 COMMISSIONER DANIELS: So we have alleviated any  
8 other language that is there, by not accepting it.

9 Correct?

10 JOE SPRAGGINS: Is there any other language  
11 there?

12 I see what they are asking. They are  
13 considering, right now, that there may be some other  
14 language in there, other than that last statement.

15 SANDY CHESNUT: No. His requested relief is to  
16 reconsider.

17 JOE SPRAGGINS: That is all we are asking for is  
18 that requested relief.

19 Right?

20 SANDY CHESNUT: Reconsider and reverse any  
21 action taken at the March 31<sup>st</sup>, 2020, Special Session  
22 webinar concerning the 2020 State For-Hire ARS allocation.

23 That action has already been done. So you have  
24 already granted his Petition for Reconsideration.

25 We just need to make it formal in the record

1 regarding the Petition for Reconsideration.

2 COMMISSIONER DANIELS: Okay. In that case, I  
3 will change my vote to aye.

4 COMMISSIONER HAVARD: Me, as well.

5 Let's do a recount on that. We have the motion  
6 on the table.

7 All those in favor say aye.

8 Commissioner Guess?

9 COMMISSIONER GUESS: Aye.

10 COMMISSIONER HAVARD: Commissioner Bosarge?

11 COMMISSIONER BOSARGE: Aye.

12 COMMISSIONER HAVARD: Commissioner Daniels?

13 COMMISSIONER DANIELS: Aye.

14 COMMISSIONER HAVARD: Commissioner Havard, aye.

15 Thanks for that clarification, Sandy. Motion  
16 moves.

17 COMMISSIONER BOSARGE: Sandy, I have one  
18 question for you, please.

19 SANDY CHESNUT: Okay.

20 COMMISSIONER BOSARGE: Can you hear me, Sandy?

21 SANDY CHESNUT: Yes, sir.

22 COMMISSIONER BOSARGE: Have you actually gotten  
23 an opinion from NMFS on Amendment 50 and the fact that we  
24 can't separate?

25 Have you gotten an opinion from them on that?

1 SANDY CHESNUT: I haven't asked for an opinion  
2 from NMFS on that because Amendment 50 clearly states that  
3 there are those two sectors, the federal for-hire and the  
4 private. There is no separation, under Amendment 50, for  
5 the state for-hire.

6 If you guys wanted to, in the future, do a  
7 separate sector for the state for-hire within that private  
8 recreational component, then, you would propose that  
9 regulation and, at that time, I would imagine that NMFS  
10 would weigh in because they do have that authority as one  
11 of the commenters pointed out in his comments. If they  
12 don't agree with something the state is doing, they will  
13 notify the state, give the state a chance to correct the  
14 deficiency and, if the state doesn't correct it according  
15 to what they want, then, they are going to take the  
16 state's authority away.

17 COMMISSIONER BOSARGE: So, right now, this is  
18 your interpretation of the law and I'm not questioning  
19 your interpretation, but I would like to know that we had  
20 the person that wrote the law give their interpretation of  
21 it, in my opinion, before we move forward.

22 SANDY CHESNUT: It is the plain language of the  
23 law that I am reading to you, but, if anybody wants an  
24 opinion from NMFS, they can go request it. You can have  
25 your Fisheries staff do that, if you want to, or whatever.

1           COMMISSIONER HAVARD: I can tell you this,  
2 Steve, I don't want to chair any kind of Commission, or  
3 any kind of group of folks, that goes against legal  
4 advice, and that is what we depend on is Sandy and the  
5 Attorney General group and I don't want to go against any  
6 kind of legal advice that she gives in reference to this,  
7 or any other matter.

8           I think we need to leave it where it is for  
9 right now, and, then, there are a lot of loose ends that  
10 we need to tie up and a lot more opinions that we need to  
11 get to weigh in, before we make final decision on  
12 reclassifying a certain sector, or whatever it might be,  
13 but legal recommends that this is what the law says, or  
14 they interpret what the law says.

15           Until we can get further definition, I see no  
16 need to go forward because I don't want to be a part of  
17 something that goes against the legal advice that we have  
18 on staff.

19           COMMISSIONER BOSARGE: I'm with you, Mark.

20           Out of all the people in this group, I guarantee  
21 you I have been involved in it as much, or more, than  
22 anybody. Anyhow, move forward.

23           COMMISSIONER GUESS: It sounds like to me that  
24 we need to -- at this point, in order for state for-hire  
25 to have a certain quota, it would take us at least about

1 ninety days at minimum to get there.

2 The Red Snapper season opens when, the end of  
3 May?

4 COMMISSIONER HAVARD: That's right.

5 JOE SPRAGGINS: The 22<sup>nd</sup> of May is what we set.

6 COMMISSIONER GUESS: I mean, there is really not  
7 a benefit of doing that this season, but I feel like we  
8 really need to, as Mark said, tie up loose ends. We need  
9 to figure out a way to get all parties onboard a snapper  
10 summit, which was mentioned to me before, and figure out  
11 what is the best avenue for next season.

12 I feel like for this season, it is what it is.  
13 That's what it sounds like to me.

14 COMMISSIONER DANIELS: Not to mention, as well  
15 Natalie, we are the only ones trying to reinvent the wheel  
16 here. No other state is carving their state for-hire --

17 COMMISSIONER GUESS: (Interposing) I understand  
18 that, but what I'm seeing is it sounds like we need to  
19 have our state charter for-hire included with recreation  
20 as Amendment 50 states and, if over the next eight months,  
21 we decide we want to explore other options, or  
22 opportunities, we can do that, but for this season we are  
23 kind of late to the game, if that is what we want to say.

24 COMMISSIONER HAVARD: That's right, and I would  
25 challenge any recreational fishermen that have not fished

1 any of the fish havens that are within that nine miles in  
2 many years -- I would challenge them to go out there about  
3 week number three, or four. Just take a short trip and  
4 try to catch their legal limit of snapper. That way you  
5 can get familiar with our state fishery and our state  
6 reefs and maybe we will have a better understanding of  
7 what is there and what is not there.

8 what else have we got, guys?

9 JOE SPRAGGINS: My understanding is that option  
10 two, the option there, that y'all are not going forward  
11 with that option at this time.

12 Is that correct?

13 COMMISSIONER HAVARD: That is correct.

14 COMMISSIONER DANIELS: Yes.

15 JOE SPRAGGINS: So no action is going to be  
16 taken any further on this.

17 Is that what I am understanding?

18 COMMISSIONER DANIELS: Yes.

19 JOE SPRAGGINS: I would like to do one thing. I  
20 would like to do something, if we could, and that would be  
21 that as soon as we get back to where we can have public  
22 meetings that are in person, that we do have a meeting on  
23 this and have a public meeting.

24 would that be okay with everyone?

25 COMMISSIONER GUESS: I think that sounds great.

1           COMMISSIONER HAVARD: I think it's great and,  
2 there again, I challenge all the recreational guys to come  
3 out. Come support us. You guys obviously have a strong  
4 opinion about the recreational world, and come tell us  
5 what your thoughts are. Come tell us your recommendations  
6 on what you think we should do. Get together with your  
7 group and y'all figure it out and help us. We are just  
8 normal people like you guys. We are trying to make the  
9 best educated decision that we can.

10           I encourage the recreational guys to come out  
11 and support it.

12           JOE SPRAGGINS: Commissioner Havard, we've got  
13 one more item and we only have about eighteen more  
14 minutes, or fifteen more minutes left on our time, or we  
15 will have to reboot.

16           Is that the Facebook live?

17           PAUL MICKLE: We've got five minutes.

18           JOE SPRAGGINS: We've got five minutes of  
19 Facebook live?

20           COMMISSIONER HAVARD: I think the only thing  
21 we've got left to go over, then, is --

22           BRADY SMITH: (Interposing) Director and  
23 Commissioners, this is Brady. I've got less than five  
24 minutes left on the Facebook stream. We can attach the  
25 recording of the Zoom after the fact, once the meeting is



1 over, or we can stop now and we can restart the Facebook  
2 stream.

3 JOE SPRAGGINS: I think that would be okay, if  
4 it is all right with the Commissioners.

5 COMMISSIONER BOSARGE: It's fine with me.

6 COMMISSIONER HAVARD: Fine with me.

7 COMMISSIONER DANIELS: I think we could probably  
8 take care of this one pretty quick.

9 JOE SPRAGGINS: All right. Let's move to the  
10 next one, then, Item 7.

11 COMMISSIONER HAVARD: All right.

12 SANDY CHESNUT: The next one is the Red Snapper  
13 Endorsement Program.

14 Go to the next screen.

15 The background here is on March 31<sup>st</sup>, 2020, the  
16 following motion from the Gear Type Task Force Committee  
17 was presented to the Commission for their consideration,  
18 and that motion was to recommend an endorsement be  
19 developed with the cost of a hundred dollars per licensed  
20 captain and a designated cut-off date of purchase to be  
21 February 1<sup>st</sup>.

22 After some discussion on the matter, the  
23 Commission made the following motion:

24 "For legal staff to bring information  
25 regarding the Red Snapper endorsement

1 program to the April CMR meeting.”

2 Next screen.

3 The legal authority that comes into play in this  
4 issue is 49-15-16, and that statute says the Commission  
5 may develop a limited entry fisheries management program  
6 for all resource groups. The Commission may require a  
7 license for each resource group and shall establish the  
8 fees for such licenses. The Commission may establish a  
9 means test, or any other criteria, to determine  
10 eligibility for licenses under the limited entry program.  
11 The Commission may impose a moratorium on the issuance of  
12 licenses for a fishery resource.

13 Next screen, please.

14 The analysis of the legal authority is in order  
15 for the Commission to set a fee for a license,  
16 endorsement, permit, et cetera -- whatever you want to  
17 call it -- the program must qualify as a limited entry  
18 program. Otherwise, the authority to set fees for  
19 licenses rests with the legislature.

20 Next screen.

21 What is a Limited Entry Program?

22 A Limited Entry Program is a general term used  
23 for any fishery management program that restricts a  
24 fisherman's access to open fisheries, or alternatively  
25 limits the catch allowed to be retained.

1           One method of instituting a Limited Entry  
2 Program is to limit the number of licenses in a particular  
3 fishery, usually based upon some qualifying criteria.

4           Limited licensing consists of issuing licenses  
5 to the maximum number of people who can fish the waters  
6 without depleting the fishery.

7           Does the endorsement program as proposed meet  
8 the definition of a Limited Entry Program?

9           In the scenario proposed, the limit on the  
10 number of licenses would not apply to a particular overall  
11 fishery, but it does apply to a subsection of the fishery,  
12 which is the catch for Red Snapper for the State Fore-Hire  
13 industry.

14           The proposal calls for a one hundred dollar  
15 endorsement purchased by a certain date. However, it is  
16 not clear how this endorsement would limit the number of  
17 licenses, since it is open to any state for-hire captain.

18           The proposal to limit the endorsement to  
19 residents only without any additional qualifying criteria  
20 makes it problematic under the Commerce Clause and the  
21 Privileges and Immunities Clause of the United States  
22 Constitution.

23           In conclusion, as proposed, the Red Snapper  
24 endorsement program does not meet the requirements of a  
25 Limited Entry Program, which would allow the Commission to

1 set fees under the statute.

2 However, with some modifications to the current  
3 proposal, it may.

4 It is up to the Commission on how you want to  
5 proceed, if you want to proceed, and further action.

6 Any questions?

7 COMMISSIONER DANIELS: In light of the changes  
8 that were made today, should we even be considering this  
9 in the fact that it is not a Limited Entry Program?

10 SANDY CHESNUT: I would say not. I think it is  
11 something that can be taken into consideration, as the  
12 Commission moves forward and discusses whether they are  
13 going to separate those sectors in the future, or not.

14 COMMISSIONER GUESS: Ronnie, I'm with you. I  
15 think it is kind of a mute point, now, but something to  
16 review, as we move forward.

17 COMMISSIONER DANIELS: Yes. I mean, we can  
18 certainly look at it. It is just with all the changes  
19 that were made today, I don't see where it really applies  
20 anymore.

21 COMMISSIONER GUESS: I do agree with that.

22 COMMISSIONER DANIELS: What do I need to do,  
23 make a motion to forego the endorsement?

24 SANDY CHESNUT: No. That motion didn't actually  
25 pass because you wanted some more information before that

1 passed. At this time, this is just for information  
2 purposes and no action is required.

3 COMMISSIONER DANIELS: Okay.

4 JOE SPRAGGINS: Sir, that brings us up to Other  
5 Business.

6 COMMISSIONER HAVARD: Do we have any other  
7 business that we would like to discuss today?

8 (No response.)

9 COMMISSIONER HAVARD: No other business -- go  
10 ahead, Steve.

11 COMMISSIONER BOSARGE: I didn't say anything.

12 JOE SPRAGGINS: I don't think we have any  
13 additional public comments, sir.

14 COMMISSIONER HAVARD: Okay. No other public  
15 comments.

16 Can I get a motion to adjourn?

17 COMMISSIONER DANIELS: I'll make that motion.

18 COMMISSIONER HAVARD: I have a motion.

19 Do I have a second?

20 COMMISSIONER BOSARGE: I'll second it.

21 COMMISSIONER HAVARD: I have a motion by  
22 Commissioner Daniels and a second by Commissioner Bosarge.

23 All those in favor say aye?

24 COMMISSIONER GUESS: Commissioner Guess, aye.

25 COMMISSIONER BOSARGE: Commissioner Bosarge,

1 aye.

2 COMMISSIONER DANIELS: Daniels, aye.

3 COMMISSIONER HAVARD: Havard, aye.

4 Thank you guys. Y'all have a good rest of the  
5 day.

6 COMMISSIONER GUESS: Thank you.

7 JOE SPRAGGINS: Thank y'all and we appreciate  
8 you taking so much time on this.

9

10 CERTIFICATE

11 I, Lucille Morgan, Certified Shorthand Reporter,  
12 do hereby certify that the above and foregoing is a true  
13 and correct transcription of the zoom webinar of the April  
14 21, 2020, meeting of the Commission on Marine Resources,  
15 to the best of my skill and ability; and, further, that I  
16 am not a relative, employee, or agent, of any of the  
17 parties thereto, nor financially interested in the cause.

18

19

20

s/ \_\_\_\_\_

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LUCILLE MORGAN, CSR 1251

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