

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, August 21, 2018
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

Steve Bosarge, Chairman

Ronald Daniels

Richard Gollott

Mark Havard

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chestnut, Esq., Assistant Attorney General

Lucille Morgan, CSR 1251

COURT REPORTER

(228) 396-8788

1 COMMISSIONER BOSARGE: I would like to call this
2 meeting to order. I would like to welcome everybody to
3 our regular August meeting of the Commission on Marine
4 Resources.

5 To start it all off, I would like to ask
6 Commissioner Gollott to lead us in the Pledge of
7 Allegiance.

8 (Pledge of Allegiance recited.)

9 COMMISSIONER BOSARGE: Next we would just like
10 to take a moment of silence to think about the folks that
11 have been through a difficult time in life. We've got one
12 of them up here with us, and we are proud to see him back.
13 We will take a moment of silence.

14 (Moment of silence observed.)

15 COMMISSIONER BOSARGE: Thank you.

16 Next on the agenda is election of officers.

17 Actually, it was on our last month's agenda.
18 There were only three of us here. We had talked about
19 there wasn't a whole of representation, so it would be
20 better to try to get a little more of the Commission
21 before we did that. We are going to go ahead and proceed
22 with it.

23 We will open the floor for nominations for
24 chairman.

25 COMMISSIONER GOLLOTT: Mr. Chairman, I would

1 like to make a motion for Richard Gollott as chairman.

2 COMMISSIONER BOSARGE: Do we have a second for
3 that motion?

4 I'll second the motion.

5 COMMISSIONER BOSARGE: Are there any other
6 nominations for Chairman?

7 (No response.)

8 COMMISSIONER DANIELS: I would like to make a
9 nomination for Mark Havard as chairman.

10 COMMISSIONER BOSARGE: We have a nomination for
11 Mark Havard as chairman.

12 Do we have a second for that motion?

13 COMMISSIONER HAVARD: I'll second it.

14 COMMISSIONER BOSARGE: Are there any other
15 nominations?

16 Hearing none, do we have a motion to close the
17 nominations?

18 COMMISSIONER GOLLOTT: I'll make a motion that
19 we close it, Mr. Chairman.

20 COMMISSIONER BOSARGE: Do we have a second for
21 that motion?

22 I'll second the motion.

23 Now, we need to vote.

24 All those in favor for Richard Gollott as
25 chairman raise your hand and signify by saying aye.

1 (Commissioner Bosarge, Commissioner Gollott in
2 favor.)

3 COMMISSIONER BOSARGE: All those in favor of
4 Commissioner Havard for chairman, raise your hand and
5 signify by saying aye.

6 (Commissioner Daniels, Commissioner Havard in
7 favor.)

8 COMMISSIONER BOSARGE: I will have to go to Ms.
9 Chestnut for some guidance here.

10 what do we do, now?

11 SANDY CHESTNUT: Without a majority, it is going
12 to have to stay as it is.

13 Mr. Gollott just pointed out that we don't have
14 a Vice Chairman because Ron Harmon was the Vice Chairman.

15 COMMISSIONER BOSARGE: How do we go about that?

16 SANDY CHESTNUT: The chairman will remain as it
17 is and we can move forward with voting on a vice chairman.

18 COMMISSIONER BOSARGE: We will open the floor
19 for nominations for vice chairman.

20 I'll nominate Mark Havard for chairman.

21 Do we have a second?

22 COMMISSIONER GOLLOTT: I'll second that motion.

23 COMMISSIONER BOSARGE: Are there any other
24 nominations for vice chairman?

25 (No response.)

1 COMMISSIONER BOSARGE: Hearing none, do we have
2 a motion to close the nominations?

3 COMMISSIONER GOLLOTT: I'll make that motion,
4 Mr. Chairman.

5 COMMISSIONER BOSARGE: Do we have a second for
6 that motion?

7 COMMISSIONER DANIELS: I'll second it.

8 COMMISSIONER BOSARGE: All those in favor of
9 Mark Havard for vice chairman, raise your hand and signify
10 by saying aye.

11 (All in favor.)

12 COMMISSIONER BOSARGE: Opposed, like sign.

13 (All in favor.)

14 COMMISSIONER BOSARGE: Are we okay?

15 SANDY CHESTNUT: We're good, yes.

16 COMMISSIONER BOSARGE: Next on the agenda is
17 approval of minutes.

18 Do we have any changes to the minutes?

19 COMMISSIONER HAVARD: Mr. Chairman, I would like
20 to make a motion that we approve the minutes.

21 COMMISSIONER BOSARGE: We have a motion for
22 approval of the minutes.

23 Do we have a second for that motion?

24 COMMISSIONER GOLLOTT: So moved, Mr. Chairman.

25 COMMISSIONER BOSARGE: We have a motion and a

1 second.

2 All those in favor aye.

3 (All in favor.)

4 COMMISSIONER BOSARGE: Opposed like sign.

5 (None opposed.)

6 COMMISSIONER BOSARGE: Motion carries.

7 Next up is approval of the agenda.

8 Do we have any modifications, or changes, to the
9 agenda?

10 JOE SPRAGGINS: Mr. Chairman, if we could, I
11 would like to make a motion that we remove G1(d) which is
12 Title 22 Part 23, Rules and Regulations for Coastal
13 Wetlands Protection Law and the Mississippi Coastal
14 Program Final Adoption, if we could remove that.

15 We have had a letter from the Secretary of State
16 and we would like to do some more research before we adopt
17 this, and I ask that we remove that.

18 COMMISSIONER BOSARGE: Any other changes?

19 COMMISSIONER GOLLOTT: Mr. Chairman, I had
20 requested that we put Tails n' Scales on speckled trout.

21 JOE SPRAGGINS: That's coming, sir.

22 I would also like to make a motion that we add
23 Tails n' Scales as K9 to talk about speckled trout.

24 COMMISSIONER BOSARGE: Removing G1(d) and adding
25 K9.

1 COMMISSIONER GOLLOTT: Mr. Director, you can't
2 make a motion.

3 We need a motion to be able to do that.

4 COMMISSIONER BOSARGE: Do we have a motion to
5 change the agenda?

6 COMMISSIONER HAVARD: I would like to make a
7 motion we change the agenda as stated.

8 COMMISSIONER BOSARGE: Do we have a second to
9 that motion?

10 COMMISSIONER DANIELS: I'll second that.

11 COMMISSIONER BOSARGE: We have a motion and a
12 second.

13 All those in favor aye.

14 (All in favor.)

15 COMMISSIONER BOSARGE: Opposed like sign.

16 (None opposed.)

17 COMMISSIONER BOSARGE: Motion carries.

18 Next up is the Executive Director's report.

19 JOE SPRAGGINS: Just a couple of things.

20 The Commission had given us a task to look at
21 the Oyster Task Force. We have looked at that. We have
22 put together some stuff, basically some guidelines. We
23 are working on trying to finalize that.

24 I apologize for not having it for you today, but
25 we are looking at some personnel to be able to put on

1 that, and we would recommend and welcome, if y'all have
2 someone that you would like see on that, please let me
3 know and we would like to look at that.

4 We want to make this an Oyster Task Force that
5 looks at everything that we are doing about oysters and,
6 hopefully, we can help bring these back.

7 COMMISSIONER BOSARGE: I think there are some
8 good folks that could be on it. Big John Livings, he
9 seems to be a pretty levelheaded. Maybe ask him.

10 I'm glad to hear that we are working towards
11 that.

12 JOE SPRAGGINS: We are and we are trying to get
13 it done. I'm sorry we don't have it, now.

14 The other thing is we are trying to go
15 paperless. I know this world changes every day, but what
16 we would like to do -- we change things every month. We
17 get right down to the wire trying to change things and how
18 things are done.

19 we are buying some tablets that we will have for
20 each one of the Commissioners to be able to have at their
21 desk here. They will be able to be active where it is
22 actually what is going on, on the screen, at the same
23 time.

24 we would be able to send it to you
25 electronically. We would like to test this next month and

1 look at it.

2 we will still send you the paper, but, then, we
3 will do the test and see how it goes. If it works, it
4 would save us a lot of money.

5 The amount of money it costs to run those slides
6 is tremendous, just on the paper itself and color slides.

7 If y'all would bear with me on that, I would
8 appreciate it. If you have a problem, please tell me
9 about it.

10 If you don't have a problem with that, we will
11 look at it next month.

12 we will still send you the actual paper version
13 next month, but we will have the tablets here to look at,
14 too, and we will show you what we are talking about, if
15 that's okay with everybody.

16 COMMISSIONER BOSARGE: Sounds good. Just know
17 that some of us folks might be a little slow on the draw,
18 but we will make it.

19 JOE SPRAGGINS: I'll tell you what, it's hard to
20 teach us old dogs new tricks sometimes, but we learn every
21 now and then.

22 Two other things.

23 Is Kimberly Papania here?

24 KIMBERLY PAPANIA: Yes, sir.

25 JOE SPRAGGINS: Kimberly is our new lawyer that

1 is going to be with us. I would just like to introduce
2 her. She is working for the Attorney General's office and
3 will be here. She is a local young lady, born and raised
4 in Gulfport.

5 COMMISSIONER BOSARGE: Good to have you onboard.

6 KIMBERLY PAPANIA: Thank you.

7 JOE SPRAGGINS: One last piece of bad news, the
8 end of this month is Kacey Williams last day with us, our
9 CFO. She is going to be leaving us to go to another
10 position.

11 We are going to miss her very much, and it is
12 going to be hard to fill her shoes. She has done a great
13 job, and I just want to tell her thank you.

14 COMMISSIONER BOSARGE: I thought you were going
15 to say she was going to motherhood one-on-one for good.

16 I had a question. I have had several
17 environmental members approach me and they keep asking me
18 what is the update with Commissioner Trapani.

19 Just for transparency sake, I figured I would
20 ask you here and you can let us know where we are and what
21 is going on.

22 JOE SPRAGGINS: If I knew the hundred percent
23 answer, they would already have it.

24 I talked to the governor's office. Last week I
25 was meeting with the governor, and he still has not made

1 his decision, what he wants to do. He is still looking at
2 Jolynne, and he is looking at other people. I don't know
3 what his information is, where he is getting it.

4 As a matter of fact, I sent a text to his office
5 a few minutes ago and got an answer back that he still has
6 not made a decision.

7 I explained to them that we would love to have
8 the five votes and we would love to have the five people
9 on the Commission to do what needs to be done, and they
10 understand.

11 He has been out of town a lot. I give him
12 credit for that. He hasn't had a lot of time to make
13 decisions on things like that.

14 Because it can't be appointed, as far as
15 confirmed, until next year, I think he is kind of making
16 sure he makes the right decision.

17 COMMISSIONER BOSARGE: Well, that's good.

18 JOE SPRAGGINS: Bare with me. Hopefully, by the
19 end of this month.

20 COMMISSIONER BOSARGE: Good because that
21 environmental seat, that's a viewpoint we need. We need
22 to hear that side of the story. We are all
23 environmentalists, but we need to hear that voice.

24 JOE SPRAGGINS: Yes, sir.

25 COMMISSIONER BOSARGE: Next up on the agenda is

1 Commissioners report.

2 I think Commissioner Gollott had something he
3 wanted to say.

4 COMMISSIONER GOLLOTT: Thank you, Mr. Chairman.

5 Let me say this, a lot of you probably didn't
6 know I had had cancer and it was really bad, but, at this
7 time, I would like to thank Jesus Christ and the people
8 who prayed for me through this horrible disease called
9 cancer.

10 If you know anybody with this disease, please
11 reach out and try to do everything you can for them.
12 People just don't realize how bad that disease really is.

13 Thank God. The surgeons at M.D. Anderson tell
14 me I'm cancer free and good to go, now.

15 COMMISSIONER BOSARGE: While you were gone, you
16 might not have known it, but there were a bunch of us
17 pulling for you because we missed you.

18 I'm glad to hear that you are cancer free and
19 back.

20 Does anybody else have anything they want to
21 say?

22 (No response.)

23 COMMISSIONER BOSARGE: Next up is Office of
24 Marine Patrol, Chief Davis.

25 KEITH DAVIS: Good morning Commissioners,

1 Director Spraggins, Ms. Chestnut.

2 Commissioner Gollott, it's good to see you back.
3 I take the moment of silence to say a prayer for you every
4 month, so I hope others join me in that.

5 An update on Red Snapper. We asked Fisheries to
6 break this down to us both ways. We did a total number of
7 trips registered, and that is four thousand eight hundred
8 and eighty-three trips, five hundred and fifty-seven
9 stops, which puts us at about eleven percent.

10 The total number of completed trips is thirty-
11 nine seventy-nine, five hundred and fifty-seven stops,
12 which is about fourteen percent, thirteen point nine
13 percent.

14 We counted over twenty-two hundred Red Snapper,
15 seized a hundred and ten and issued thirty-six citations
16 for failure to register.

17 Y'all probably have questions on Red Snapper
18 because it's been a hot topic.

19 COMMISSIONER HAVARD: I appreciate all of you
20 guy's work trying to get all of our data in.

21 KEITH DAVIS: We certainly feel confident in
22 those numbers.

23 A couple of months ago, I told you how we were
24 tracking it, and I think we have a good handle on how we
25 are tracking the enforcement of Red Snapper.

1 COMMISSIONER BOSARGE: During the two-week
2 closure, was there any activity?

3 KEITH DAVIS: Yes, sir. We did encounter a
4 couple of people trying to sneak out there and fish for
5 Red Snapper, and they received citations.

6 COMMISSIONER BOSARGE: I noticed in our
7 reporting that, during closed season, we actually had ten
8 trips made where folks actually signed up, got their trip
9 number, went fishing and completed the trip.

10 Am I right, Matt?

11 It was ten, I'm pretty sure. Five one week and
12 five the other week.

13 MATT HILL: It was a total of ten. However, two
14 of them did come back and abandon their trips. We are
15 still discussing it with them. Apparently, it stands at
16 eight, but there were some trips made during that two-week
17 closure.

18 COMMISSIONER BOSARGE: Chief, do you have any
19 intentions of -- I mean, even though these people were
20 mistaken about what they did, they did break the law.

21 KEITH DAVIS: Mr. Chairman, I'm a little
22 embarrassed that I was not aware of that information, but
23 I can assure you that I will sit and talk with our
24 Fisheries Department and we will devise a plan to do that.

25 COMMISSIONER BOSARGE: Maybe just contact them

1 and warn them, or something. In other words, we have got
2 to get their attention somehow because, like I say, we
3 have that issue and we need to address it.

4 KEITH DAVIS: The biggest question is why Marine
5 Patrol is unaware of that.

6 COMMISSIONER BOSARGE: Those are the only
7 questions I had.

8 KEITH DAVIS: As far as the rest of the report,
9 it is pretty straight forward.

10 The only thing that I thought maybe would stick
11 out to you is the report of two children missing. However
12 the child was located pretty quickly by the Biloxi Police
13 Department, prior to us arriving on scene.

14 The alligator sightings that you see on the
15 report were all handled by the department of wildlife,
16 Fisheries and Parks.

17 COMMISSIONER BOSARGE: I see on the agenda where
18 we are going to recognize an officer.

19 KEITH DAVIS: Yes, sir.

20 My pastor always tells me that there are certain
21 things that you should just do. I'm going to ask Captain
22 Levine to come up and present to one of our reserve
23 officers who is retiring, but, during his career, he spent
24 twenty-one years of service volunteering to the Department
25 of Marine Resources and citizens of the State of

1 Mississippi.

2 I would like to, at least, recognize him in his
3 retirement and what he did for the State of Mississippi.

4 I want to report to the Commission that one of
5 our officers finished top of the class in the Harrison
6 County Training Academy.

7 Now, you don't know what that means, but it is
8 broken down into several categories; academics, training,
9 PT, as well as firearms and driving.

10 We are recruiting the best and graduating the
11 best, as far as training goes, in Marine Patrol.

12 Captain Levine.

13 CAPTAIN LEVINE: Commission, as Chief Davis has
14 said, we have an individual who has been volunteering with
15 us for twenty-one years, averaging over one hundred and
16 forty-four hours per year.

17 Often this volunteer is called up the last
18 minute with no notice late in the evening saying, we need
19 somebody to fill in on night shift. Can you come out?

20 Often he would volunteer and come out at the
21 last minute. He would fill in for opening of shrimp
22 season, Blessing of the Fleet, the air shows, the many
23 other events that Marine Patrol works, and we want to
24 express our appreciation from the Department of Marine
25 Resources and the Office of Marine Patrol for Tom Traynor.

1 Tom, come up, please.

2 COMMISSIONER BOSARGE: Would you say a few
3 words?

4 TOM TRAYNOR: Yes, sir. I have been doing this
5 twenty-one years because I have always been told you give
6 something back.

7 Throughout the years, I have stayed as long as I
8 have because of the leadership and the people I work with
9 in this department.

10 Chief Davis has been one of the finest leaders
11 we have had, and I hope he continues to stay after I'm
12 gone.

13 COMMISSIONER BOSARGE: We all do.
14 We want to thank you for your service.

15 TOM TRAYNOR: Thank you, sir.

16 COMMISSIONER BOSARGE: Thank you.

17 CAPTAIN LEVINE: That concludes the Office of
18 Marine Patrol.

19 COMMISSIONER BOSARGE: Thank you.

20 Up next is Office of Coastal Resources
21 Management, Mr. Jan Boyd.

22 JAN BOYD: Good morning Mr. Chairman,
23 Commissioners, Director Spraggins, Ms. Chestnut.

24 We have three action items for your
25 consideration this morning, and Greg Christodoulou will be

1 presenting the first two.

2 GREG CHRISTODOULOU: Good morning everyone. I
3 will be presenting the first two agenda items for Coastal
4 today.

5 The first item is a request by the agency, the
6 Beneficial Use group for a Beneficial Use site of dredged
7 material located on the north side of Deer Island in the
8 Preservation Use District.

9 The applicant is proposing to create a seventy-
10 acre Beneficial Use site for dredged material placement,
11 in accordance with Mississippi Code 49-27-61.

12 The project will consist of filling
13 approximately seventy acres of Coastal Wetlands -- this is
14 all unvegetated waterbottoms -- with suitable dredged
15 material and, also, if needed, two access channels
16 totaling about eighteen thousand cubic yards of material.

17 Here's kind of a broad diagram showing the
18 entire island and the area in blue outlined is where the
19 site would be, and I'll jump in a little closer there.

20 The site extends from the existing shoreline on
21 the north side of the island out to the minus four
22 contour. The area in blue will be a sand berm containment
23 for the material so the site can be accessed, if needed,
24 by anyone disposing, or placing mechanically, with the
25 access channel there to the east, but ideally contractors

1 will be wanting to pump the material in.

2 This is just a picture of the shoreline the way
3 it is, right now. It does undergo quite a bit of erosion
4 over time, as you can see.

5 The project site will provide additional
6 location for the placement of dredged material. The
7 material will eventually provide additional habitat and
8 keep sediments from being disposed of in upland locations.

9 Currently, a lot of these sediments that aren't
10 used beneficially just go to an upland site and are lost
11 in the system, so this is a chance for them to create some
12 habitat.

13 It also saves the counties and municipalities a
14 lot of money in the disposal of it, having to truck that
15 material up to a landfill.

16 The project will not affect the Preservation
17 designation, as the area will still be part of the Deer
18 Island Coastal Preserve.

19 The applicant has requested a variance to
20 Chapter 8, Section 2, Part III.0.1, stating the permanent
21 filling of coastal wetlands because of potential adverse
22 and cumulative environmental impacts is discouraged.

23 They justified the variance under Chapter 8,
24 Section 2, Part I.E.2.b.i, the impacts to coastal wetlands
25 would be no worse than if the guidelines were followed.

1 Basically, you are transforming seventy acres of
2 unvegetated waterbottoms to marsh and beach/dune habitats.

3 There were two previous Beneficial Use sites
4 that were permitted adjacent to Deer Island, so this
5 shouldn't set a negative precedent.

6 The purpose of the project is to transform
7 seventy acres of unvegetated waterbottoms and eroding
8 shoreline to productive marsh and beach/dune habitats.
9 This will provide additional habitat for marine organisms
10 of recreational and commercial value, as well as
11 additional habitat for shorebirds.

12 Prior to the application being submitted, there
13 was testing for SAV presence and shellfish, and there was
14 none in the project area.

15 The main purpose of the project is to provide a
16 another location for beneficial use of dredged material.
17 However, it also compliments a lot of the restoration
18 activities that are already and have been going on at Deer
19 Island for many years.

20 Best management practices will be utilized
21 throughout the project. All the dredged material that
22 will be placed at this site has to be tested and approved
23 by DEQ, before it can be placed at the site.

24 Again, as I mentioned earlier, the preferential
25 way to get this material in is to pipe it in, rather than

1 actually place it in. It may be necessary to dredge
2 access channels for contractors who can only place
3 material by mechanical methods.

4 There were alternative sites that were looked at
5 and they were rejected, basically due to three reasons;
6 the presence of submerged aquatic vegetation, private
7 ownership issues and also the need for hardened
8 containment, using things like riprap, or sheet piles, or
9 something like that to contain the material.

10 The creation of marsh and beach/dune habitats
11 does require a waterfront location.

12 The project abuts the northern shore of Deer
13 Island which is undergoing extensive erosion, and these
14 are creation of habitats that are very suitable to the
15 area and should not pose any impact on scenic qualities.

16 The project was placed on public notice in The
17 Sun Herald as required and, also, on the DMR website.

18 DEQ is reviewing the project.

19 Archives and History has no objections, as long
20 as the work is entirely below the mean high tide line.

21 Secretary of State had no comments, no
22 objections to the project.

23 wildlife, Fisheries and Parks made no comments.

24 Based on the staff's review and evaluation, we
25 recommend that the Commission approve the variance request

1 and the permit, contingent on water quality certification
2 from DEQ.

3 Jarred Harris is the Beneficial Use coordinator
4 and he is here, if y'all have any specific questions about
5 the project.

6 COMMISSIONER BOSARGE: Do any of the
7 Commissioners have any questions?

8 COMMISSIONER GOLLOTT: Yes, Mr. Chairman.

9 Greg, I've got a question for you. I have been
10 talking to a lot of people lately and they were telling me
11 there is a lot of silt mud where it used to be sand
12 beaches.

13 I'm wondering, have y'all looked at maybe these
14 areas that are covering habitat, oyster reefs and such as
15 that?

16 GREG CHRISTODOULOU: I know that they go out and
17 they do a lot of poling and testing the bottom, before
18 they place this, the material.

19 I would have to defer to him on that. I don't
20 know of any studies.

21 COMMISSIONER GOLLOTT: Is there anybody looking
22 at that?

23 If it's a mulk silt, maybe you wouldn't feel it
24 with a pole, or anything, and it would be smothering the
25 oysters.

1 JOE JEWELL: I can address some of that,
2 Commissioner Gollott, because my office commented on the
3 proposal before the comment period, and, then, I weighed
4 in after the comment period.

5 I have met with the Coastal Director, Jan Boyd,
6 and I have met with Mr. Christodoulou because we do have
7 an artificial reef that is nearby, and I expressed some
8 concerns about that artificial reef.

9 I read the application and, in the application,
10 they note that they are going to use silt nets around the
11 project area to prevent that.

12 I'm pretty reassured that they are going to take
13 all reasonable measures and abide by best management
14 practice to ensure the minimum of impacts to the natural
15 resources.

16 COMMISSIONER GOLLOTT: Thank you.

17 COMMISSIONER BOSARGE: I have one quick
18 question.

19 Seventy acres, that's a pretty good site.

20 How long should that last, just under normal
21 conditions?

22 GREG CHRISTODOULOU: The last one actually just
23 reached capacity earlier this year, the most recent Deer
24 Island Beneficial Use site.

25 The expectation is that it will last ten years,

1 but, again, that all depends on what kind of requirements
2 are going to need to be coming down the pipe with,
3 especially, Jackson County. Jackson County does a lot of
4 dredging projects, and, then, more recently this past
5 year, Biloxi has done several in some of their
6 neighborhoods, as well. It just kind of all depends.

7 The capacity, right now, is definitely needed
8 because we are full up. All our Beneficial Use sites are
9 filled up.

10 COMMISSIONER BOSARGE: That's good.

11 Mr. Joe.

12 JOE SPRAGGINS: One thing, too. I know it has
13 been brought up several times by the Commission, Deer
14 Island. If you go to the east side of it, the point of
15 the east side of Deer Island, we talked about rebuilding
16 that and trying to add more to it, and, then, turn around,
17 and, then, add more to Katrina Key, back that way because
18 of the depth of the water and all.

19 That is a work in progress and it is working,
20 but we want to use sand is my understanding, mainly ninety
21 percent sand in that so that we don't use the other type
22 of beneficial use.

23 I just wanted the Commission to know that we are
24 working that. It has been brought up more than one time
25 about what that would help, and we are working on it.

1 COMMISSIONER BOSARGE: Any further questions?

2 (No response.)

3 COMMISSIONER BOSARGE: Do we have a motion?

4 COMMISSIONER GOLLOTT: Mr. Chairman, I make a
5 motion that we approve this request.

6 COMMISSIONER BOSARGE: Do we have a second for
7 that motion?

8 COMMISSIONER HAVARD: I'll second the motion.

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

11 Any further discussion?

12 (No response.)

13 COMMISSIONER BOSARGE: All those in favor aye.

14 (All in favor.)

15 COMMISSIONER BOSARGE: Opposed like sign.

16 (None opposed.)

17 COMMISSIONER BOSARGE: Motion carries.

18 Thank you, Greg.

19 GREG CHRISTODOULOU: The next project is a
20 permit extension for Diamondhead Corporation. It's a one-
21 year extension of an existing maintenance dredging permit,
22 and the location is Paradise Bayou which is the main canal
23 that runs through Diamondhead on the south side, the
24 marina basin and a lot of the accessory canals throughout
25 the south side of Diamondhead.

1 The use district is General Use and Commercial
2 Fishing and Recreational Marinas District.

3 The applicant is requesting just a one-year
4 extension to a previously-issued maintenance dredging
5 project.

6 In 2013, the Commission approved approximately a
7 hundred and fifty thousand cubic yards of material to be
8 dredged from the waterways on the south side of
9 Diamondhead.

10 There is just an aerial showing Diamondhead
11 itself. It would be the main canal here known as Paradise
12 Bayou, the marina basin here, and, then, the side canals
13 going through there.

14 The Commission, in 2013, approved the
15 applicant's request to dredge approximately a hundred and
16 fifty-two thousand cubic yards of material, and we just
17 received a request for an extension of that permit for one
18 more additional year, until 2019.

19 COMMISSIONER BOSARGE: Excuse me Greg.

20 Isn't that the permit where we were going to try
21 spreading the...?

22 GREG CHRISTODOULOU: They kind of backed off of
23 that. I think they were getting a lot of resistance from
24 water quality, DEQ and the EPA and the Corps, so they kind
25 of backed off on that.

1 Their permit is close to expiring, so they have
2 the fallback of going upland with it.

3 COMMISSIONER BOSARGE: Spreading it out over the
4 marsh?

5 GREG CHRISTODOULOU: Yes. It was one of the
6 projects that, since the waterbottoms were private, the
7 Beneficial Use statute didn't really apply to it, so they
8 weren't made to go BU for that.

9 COMMISSIONER BOSARGE: All right.

10 GREG CHRISTODOULOU: Basically, we are just
11 recommending that the Commission approve the applicant's
12 request to extend the maintenance dredging permit for just
13 one additional year.

14 COMMISSIONER BOSARGE: Any questions?

15 (No response.)

16 COMMISSIONER BOSARGE: Do we have a motion?

17 COMMISSIONER DANIELS: I'll make a motion to
18 approve.

19 COMMISSIONER GOLLOTT: I'll second it, Mr.
20 Chairman.

21 COMMISSIONER BOSARGE: We have a motion and a
22 second.

23 Any further discussion?

24 (No response.)

25 COMMISSIONER BOSARGE: All those in favor aye.

1 (All in favor.)

2 COMMISSIONER BOSARGE: Opposed like sign.

3 (None opposed.)

4 COMMISSIONER BOSARGE: Motion carries.

5 Thank you, Greg.

6 GREG CHRISTODOULOU: Thank you.

7 CHRIS PICKERING: Good morning. My name is
8 Chris Pickering. I will be presenting the next action
9 item for Coastal.

10 This is a request for modification by the
11 Department of Marine Resources. It's restoration area 72
12 on Back Bay of Biloxi, in Jackson County, Mississippi.

13 This is in the S-1 District, Natural and
14 Artificial Reefs.

15 The purpose of the modification is to experiment
16 with the use of different cultch material and relief
17 densities to help MDMR achieve the overall oyster reef
18 restoration project.

19 Approximately twenty-three thousand nine hundred
20 and thirty acres of existing and historical reefs were
21 authorized in June 2016, by the Commission, to be restored
22 with cultch material.

23 Material was authorized to be placed at a
24 density of one hundred cubic yards per acre, totaling no
25 more than three hundred and fifty thousand cubic yards of

1 material within Phase I.

2 The density ensured less than six inches of
3 relief of cultch materials across the bottom of each
4 restoration site.

5 The Applicant was granted a variance to Chapter
6 8, Section 2, Part III.0.1 of the Coastal Program for
7 filling of Coastal wetlands. The DMR also adjusted the
8 Coast wetlands Use Plan, by changing all the areas
9 identified by the MDMR as public oyster reefs open to
10 seafood harvest and suitable for restoration to a Special
11 Use District S-1.

12 The applicant is now requesting to modify just
13 restoration area 72 to allow a maximum of eighteen inches
14 of relief. Average relief would be eight inches. This
15 will result in the cultch density increasing from one
16 hundred cubic yards per acre to one thousand and eighty
17 cubic yards per acre within the three experimental plots
18 which covers thirty acres total.

19 As you can see, this is Ocean Springs Harbor,
20 here is Highway 90 going across Back Bay, and this would
21 be Plots 1, 2 and 3. Each one of these plots is
22 approximately ten acres for a total of thirty acres.
23 Again, here is the permitted area here (indicating
24 aerals).

25 Notification of the project appeared in The Sun

1 Herald on July 15th, July 22nd and July 29th of 2018.

2 One comment was received in favor of the
3 project.

4 DEQ is currently reviewing the project.

5 Archives and History has no objections.

6 Secretary of State had no comment.

7 wildlife, Fisheries and Parks recommends that if
8 best management practices are implemented and no submerged
9 aquatic vegetation habitat is impacted, the proposed
10 project likely poses no threat to the listed species of
11 concern known to occur within two miles of the proposed
12 project.

13 Basically, they provide a list of species that
14 may occur within that area, but, as long as the DMR, or
15 whoever they hire to do the project, follows best
16 management practices, they don't have a problem with it.

17 The modification to increase the relief and
18 density in area 72 has not changed the findings made on
19 the previous decision factors presented to the Commission
20 on June 21st of 2016.

21 Based upon departmental review and evaluation,
22 it has been determined that the project is consistent with
23 the Mississippi Coastal Program because it will have a
24 significant public benefit.

25 Therefore, staff recommends approval of this

1 modification request, contingent on water quality
2 certification from DEQ.

3 Any questions?

4 COMMISSIONER BOSARGE: Do the Commissioners have
5 any questions?

6 COMMISSIONER DANIELS: I was just curious.
7 why are we going to higher densities?

8 Is this stuff sinking down over there?

9 CHRIS PICKERING: Part of the research project
10 is for Fisheries to determine what material needs to be
11 used, the density it needs to be used at and that sort of
12 thing, so they are going to try different things in each
13 one of these plots.

14 COMMISSIONER DANIELS: Okay.

15 COMMISSIONER BOSARGE: I'm glad to see it. I
16 think Joe and I have had several discussions on different
17 methods. He laughs at me, when I bring up some of the
18 things.

19 I think it's a worthwhile project and we can
20 learn something.

21 JOE JEWELL: We worked with Covington, DEQ and
22 NFWF to develop this program.

23 Originally, it was designed to test three cultch
24 materials, and, then, we eliminated one because of the
25 utilitarian use. We knew oyster shells would do well and

1 do very well.

2 We modified the research portion of it to try
3 and look at densities of cultch material, while we are
4 looking at oyster spat concentration on those two types of
5 cultch materials, to try and get a better understanding.

6 There is some philosophy that the denser the
7 cultch is laid the more attractive it is to spat setting
8 and it lasts longer, so we are going to test some of those
9 ideas with the cultch plants.

10 COMMISSIONER BOSARGE: I tend to agree. The
11 more vertical height you get, the better off you are. We
12 have had that discussion.

13 JOE JEWELL: Yes.

14 COMMISSIONER BOSARGE: Any more questions?

15 (No response.)

16 COMMISSIONER BOSARGE: Do we have a motion?

17 I'll make the motion that we accept the staff's
18 recommendations.

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

21 COMMISSIONER BOSARGE: I have a motion and a
22 second.

23 Any further discussion?

24 (No response.)

25 COMMISSIONER BOSARGE: All those in favor aye.

1 (All in favor.)
2 COMMISSIONER BOSARGE: Opposed like sign.
3 (None opposed.)
4 COMMISSIONER BOSARGE: Motion carries.
5 CHRIS PICKERING: Thank you.
6 COMMISSIONER BOSARGE: Thank you, Chris.
7 For her last time, Ms. Kacey Williams, Office of
8 Finance and Administration.
9 KACEY WILLIAMS: Good morning Commissioners,
10 Director Spraggins, Ms. Chestnut.
11 These are the financial results as of July 31st,
12 and this is the first month of the new fiscal year, 2019.
13 At the end of July, our State Revenue was three
14 million dollars. Our Total Agency Revenue was also three
15 million dollars.
16 Our State Net Income was two point seven
17 million. Our Total Agency Net Income was two point five
18 million.
19 After one month, we still have quite a bit of
20 budget remaining. Ninety-eight point six percent of
21 Operating Funds and Ninety-nine point two percent of
22 Tidelands.
23 We are stacking up to be in great shape.
24 Any questions?
25 COMMISSIONER BOSARGE: It looks like you are

1 Leaving us in good shape.

2 KACEY WILLIAMS: Yes, sir.

3 COMMISSIONER BOSARGE: We appreciate it, we are
4 going to miss you, and good luck on the baby.

5 KACEY WILLIAMS: Thank you. I am definitely
6 going to miss all my family and colleagues here at the
7 DMR.

8 I know General Spraggins will have a really good
9 plan to carry forward without me.

10 COMMISSIONER BOSARGE: We are going to miss you.

11 KACEY WILLIAMS: Thank you.

12 COMMISSIONER BOSARGE: Thank you.

13 Up next is Public Affairs, Ms. Charmaine.

14 CHARMAINE SCHMERMUND: Good morning
15 Commissioners, Director Spraggins, Ms. Chestnut.

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

19 Popular news items included the Blues over
20 Biloxi Air Show, shrimp season and Red Snapper season.

21 Marine Patrol taught five boat-and-water safety
22 classes and certified one hundred and one students.

23 So far in fiscal year 2019, officers have taught
24 five classes and certified one hundred and one students.

25 Marine Patrol also participated in the community

1 outreach event, Summer Jamboree through the City of
2 Gulfport. The Marine Patrol officer met with hundreds of
3 children from throughout the community.

4 There were also two fishing rodeos and
5 tournaments that Marine Patrol, along with the Office of
6 Marine Fisheries, attended. These were the Carl Leggett
7 Fishing Tournament in Biloxi and the Horn Island CCA kids
8 fishing rodeo in Pascagoula.

9 Our staff also participated in various events in
10 the community.

11 Public Affairs took part in the City of
12 Gulfport's Cinema by the Shore event.

13 Mike Pursley in the Office of Coastal Resources
14 Management gave a presentation on invasive species, at the
15 Mississippi Pollinator Training workshop.

16 The annual Mississippi Wildlife Extravaganza was
17 held August 3rd through the 5th in Jackson. Our agency was
18 on hand each day at the extravaganza, meeting with
19 attendees and distributing our rules and regulations
20 publication, fish ruler stickers, fish posters and other
21 informational pieces to the public.

22 COMMISSIONER BOSARGE: I noticed how many times
23 you said "Marine Patrol" in there. Y'all stay busy.
24 You've got just a little bit to do.

25 Thank you, Charmaine.

1 I think Mr. Joe wants to say something.

2 JOE SPRAGGINS: Charmaine, you go ahead.

3 CHARMAINE SHUMERMUND: Thank you.

4 JOE SPRAGGINS: Just one thing. I forgot to say
5 it and I should have. The air show that was here in July,
6 we owe a lot to Marine Patrol. They were out there for
7 four days, countless hours, people working hard, working
8 extra and working in not exactly warm weather.

9 I wanted to take my hat off to them and tell
10 them thank you.

11 We have one thing that is going to happen, too.
12 The governor is working a special presentation for one of
13 the Marine Patrol officers. I will bring that up at a
14 later date, what happened during that.

15 In fact, let's give them a round of applause.

16 COMMISSIONER BOSARGE: I agree. It's a lot to
17 do.

18 Up next is Mr. Joe Jewell, Office of Marine
19 Fisheries.

20 JOE JEWELL: Good morning Commissioners.

21 There are a couple of things I want to go over,
22 before we move into the agenda.

23 First, I would like to acknowledge Mr. Richard
24 Gollott and welcome you back. Glad to have you here and
25 your sage advice. We appreciate that.

1 COMMISSIONER GOLLOTT: Thank you, sir.

2 JOE JEWELL: I would also like to welcome aboard
3 our new attorney, Ms. Kimberly Papania. I look forward to
4 challenging her through her career here.

5 I would also like to acknowledge Ms. Kacey
6 Williams for her dedicated years of service here at the
7 DMR. Kacey has been a great CFO who has led us through
8 some tough audits, and all of those have come out really
9 well for the DMR. We appreciate her dedicated work and
10 wish her well, in moving forward in her new career.

11 Also, finally, I would like to acknowledge
12 Officer Tom Traynor for all of his dedicated work and
13 service to the DMR, the Marine Resources and the citizens
14 of Mississippi. We appreciate all that he has done for
15 us.

16 Next, I wanted to update the Commission on where
17 we stand with the shrimp season.

18 If we look at just July of 2018, we have about
19 eight hundred and fifty thousand pounds that are in the
20 Trip Ticket system. We do have some more Trip Tickets
21 that need to be processed for the month of July.

22 On an average, we are at about two point four
23 million pounds. That's just in July.

24 We haven't processed all of them. So it's not
25 all bad news. We are a little behind.

1 If we look at the shrimp season from January
2 through July, which is the way we typically look at it, at
3 this point, we have landed about three point five million
4 pounds and on average, over the last six years, we are at
5 about three point four million pounds.

6 So we are just a little bit ahead and probably a
7 little bit more, once we process the Trip Tickets. This
8 year is looking to be about an average year like we
9 normally have.

10 with that being said, we are going to move right
11 on into the agenda.

12 JOE SPRAGGINS: Joe, real quick, could you give
13 them an update, too, on the Tails n' Scales, or is he
14 going to do that later?

15 JOE JEWELL: I can do that. Hold on.

16 JOE SPRAGGINS: where we did close the season
17 last Friday, if y'all could, just give an update on that.

18 JOE JEWELL: If you look at just the reported
19 pounds that were landed, before it goes through the
20 estimator, we are about a hundred and ten thousand pounds.

21 If you look at the recreational harvest, the ACL
22 is about a hundred and twenty-one thousand pounds. We are
23 getting pretty close to that.

24 we ran that through the correction formula, and
25 we have a little over three thousand, around four thousand

1 pounds to open a short season. We are planning to do that
2 on Labor Day.

3 The ACL is a hundred and twenty-one thousand.
4 We are approaching the ACT which is ten percent lower than
5 the overall one thirty-four thousand pounds that was
6 allotted for the recreational community.

7 We don't anticipate going over the ACL. We are
8 going to try and manage that small season we are going to
9 have over the Labor Day weekend to the ACT, or slightly
10 above.

11 Does anybody have any questions?

12 JOE SPRAGGINS: One thing. Definitely we want
13 to be the only state in the Gulf that meets what we should
14 do in these quotas because that's what they have worked
15 hard doing.

16 The reason we closed it last Friday was because
17 we were trying to find out exactly where we are and did we
18 have an opportunity to open it up any further because it
19 is hard to get all the data, when they are continuously
20 fishing every day.

21 As it worked out, as Joe said, we have three
22 thousand and something pounds.

23 We are looking at it. The staff is going to
24 give me their best recommendation of how many days, one or
25 two days that we can open on that weekend of Labor Day,

1 but I think it will be a great little thing for everybody
2 to have Labor Day weekend and be able to try that.

3 We promise you that we are going to do our very,
4 very, very, very, very best not to exceed it, but we are
5 not going to leave any more than we have to on the table
6 to not exceed it.

7 That is what they are working on, and I
8 appreciate the staff for what they are doing on that.

9 COMMISSIONER BOSARGE: Sounds good.

10 Joe, it has been brought to my attention, an
11 issue with the Tails n' Scales and reporting system and
12 canceled trips.

13 Do you track canceled trips?

14 JOE JEWELL: We do track cancelled trips. That
15 is in our database system.

16 COMMISSIONER BOSARGE: It has been brought to my
17 attention that there is some intentional underreporting of
18 catch due to cancellations.

19 Say, for instance, a fisherman goes out, catches
20 his fish, goes to the dock, gets to the dock, doesn't ever
21 get seen or checked, gets home, splits his fish up, and,
22 then, instead of finishing his trip, he cancels it. That
23 way, it doesn't go against the allocation.

24 Have you seen a trend, any kind of trend in an
25 increase in cancellations?

1 JOE JEWELL: We do look at the data. I have
2 looked at the data for that and discards. I ask that
3 question of the Tails n' Scales Program pretty
4 consistently.

5 Over the last three years, we have seen a -- I
6 wouldn't call it a significant increase, but it's a steady
7 increase over the last three years, absolutely. That is
8 being reported into the system.

9 Now, I do want to say, if a fisherman -- as I
10 hear you describing it, if a fisherman goes out fishing
11 and makes a legal take, he's got an authorization code and
12 he makes a legal take, two fish per person per boat, and
13 they come in and there is no interaction with law
14 enforcement and they want to take the risk of going into
15 the system and canceling that trip so that those fish do
16 not count against the quota, well, that's a big issue, and
17 we are seeing an upward trend in the trip cancellations,
18 but there is no way we can determine that.

19 COMMISSIONER BOSARGE: And I understand that. I
20 know there is no way.

21 JOE JEWELL: In defense of Marine Patrol, I
22 don't how they could determine that either.

23 COMMISSIONER BOSARGE: They can't. That would
24 be virtually impossible. I'm not pointing the finger at
25 anybody.

1 I just want to make everybody aware that this is
2 an issue. It is something we need to address. We need to
3 trend it, look at where it's at, look at what's going on,
4 and, then, put it in our mind and try to figure out how we
5 can address this because there is no doubt it is going on,
6 and it is intentionally not reporting their catch. Same
7 thing as Trip Tickets.

8 JOE JEWELL: If the Commission would like, I do
9 monitor all the variables that are in the Trip Ticket
10 system that can be quarried. I periodically quarry those
11 and look at them.

12 If you would like, we can send that data to the
13 Commissioners.

14 COMMISSIONER BOSARGE: I would just like to see
15 what that trend is.

16 JOE JEWELL: We can do that, absolutely.

17 COMMISSIONER BOSARGE: Thank you, Joe.

18 COMMISSIONER DANIELS: I've got one question on
19 that.

20 Do you have the ability to kind of reconcile
21 those cancellations against weather reports?

22 JOE JEWELL: We do spot check particularly those
23 that don't cancel and report back into the system. We do
24 work with them to find out the reason why it was canceled,
25 or not canceled. We absolutely do.

1 COMMISSIONER DANIELS: Seems to me, with
2 beautiful weather and all that and you've got quite a few
3 cancellations on that day, that might be suspect.

4 COMMISSIONER BOSARGE: That's what I want to
5 look at because every year you are going to have the same
6 thing happen.

7 In other words, you will have cancellations for
8 weather. You will have the same variations each year.

9 JOE JEWELL: I will send a report to the
10 Commissioners. You can look at that, and you can look at
11 it in more detail.

12 I did quarry the Trip Ticket System. We do seem
13 to have a small group of people that have large numbers of
14 cancellations in the Trip Ticket System.

15 You can look at it a bunch of different ways,
16 absolutely.

17 COMMISSIONER BOSARGE: I think Chief Davis wants
18 to say something.

19 KEITH DAVIS: Again, this is the first time that
20 I'm hearing this. I didn't get a chance to check with my
21 staff.

22 I do see where there could be a problem, Mr.
23 Chairman, but, again, this is where I strongly encourage
24 the Commission to take a look at Marine Patrol's access to
25 the Tails n' Scales Program.

1 I think just having another pair of eyes on
2 those cancellations, if that is occurring, we should be
3 able to compile that data as well, and take a serious look
4 at those individuals and maybe pay them a visit at their
5 homes to see.

6 We can also maybe tighten up some of the
7 parameters on when you require them to close out a trip.
8 I think it should all be looked at very seriously.

9 If your information is true which I have no
10 reason to believe it is not, that is a serious, serious
11 issue that Marine Patrol needs to take a closer look at.

12 COMMISSIONER BOSARGE: I don't know about Marine
13 Patrol, but I think just all of us as a group need to.

14 KEITH DAVIS: Well, it's a violation of law. If
15 you are going to be that brazen to violate the law and
16 attack the conservation efforts of this agency, I strongly
17 think that Marine Patrol needs to be involved.

18 JOE JEWELL: I would agree with Chief Davis'
19 analysis that this is a pretty serious violation. If this
20 is, in fact, happening, it would be similar to what has
21 happened in the commercial component and equally
22 unreliable, once it gets in the data system.

23 I do want to address one of Chief Davis'
24 concerns. It's my understanding that Marine Patrol, at
25 this point -- because we made a couple of modifications to

1 the Trip Ticket Program, at the request of Marine Patrol
2 and Director Spraggins.

3 As far as I know, the only thing they don't have
4 access to is the actual raw data. Pretty much all of the
5 other components, they have the ability to see.

6 The most recent modification that we made was
7 that a Marine Patrol officer could go into the system and
8 just see the trips for the day. Once they got out, they
9 couldn't see a long-term trend.

10 We can modify the program to allow for Marine
11 Patrol to see a bigger picture and the complete data set
12 that is available, or go back and look at data sets. That
13 is available to Marine Patrol, and I'm sure they will be
14 looking at that data very similar to the way Marine
15 Fisheries looks at it.

16 JOE SPRAGGINS: Just one thing. For the data,
17 when y'all are running this, look at during the week
18 against the weekend, and see if there are more canceled
19 during the week, or canceled during the weekend, when are
20 they canceled because that could be a trend we can look
21 at, too, to see what is going on.

22 Obviously, the weather, and, then, obviously,
23 you've got to look at days, how many days this year
24 compared to last year compared to the year before because
25 there are going to be more, if there are more days, but

1 look at all those.

2 JOE JEWELL: We can do a detailed report. Like
3 I say, I look at the system and I look at the data.

4 We have the Gulf Council meeting that is
5 occurring right now. In advance of the Gulf Council, I
6 will look at our data. I will look at all of our data
7 sets, all of our independent and dependent data. I look
8 at the Tails n' Scales Program. I do it very informally.
9 It's not a formal thing that goes on.

10 I just quarry the database to see overall trends
11 so that we can respond to any issues on the Federal, or
12 State, level that occurs at these meetings.

13 I can and will provide a more formal detailed
14 report to both Marine Patrol and the Commission.

15 COMMISSIONER BOSARGE: We've got the best system
16 out of all the states, in my opinion.

17 JOE JEWELL: Absolutely. I agree.

18 COMMISSIONER BOSARGE: We've just got to close
19 the little holes and just got to figure out a way to do
20 it.

21 That information was brought to me, and it's
22 credible. That's why I'm bringing it to you to see what
23 we can do about it.

24 JOE JEWELL: We will work with Director
25 Spraggins on preparing a more detailed report for the

1 Commission to review.

2 Are there any more questions?

3 (No response.)

4 JOE JEWELL: With that being said, we will move
5 into the formal part of the Marine Fisheries agenda, and
6 first up is Item K1. Requested changes to the Spotted
7 Seatrout Endorsement is up for final adoption. Mr. Matt
8 Hill will be doing that presentation.

9 COMMISSIONER BOSARGE: Joe, I had one more
10 question for you and it's on a totally different subject.

11 MRIP data. Can you give us an update on MRIP
12 data?

13 In other words, there have been some changes to
14 the MRIP data.

15 Correct?

16 JOE JEWELL: That's correct.

17 COMMISSIONER BOSARGE: Tell us what happened?

18 JOE JEWELL: Just in a general overview, a big
19 picture of what happened is -- of course, all the dates
20 have the same protocols, the same field methodology that
21 they collect the data with, the MRIP program data is
22 monitored by Gulf State Marine Fisheries Commission and it
23 goes into an overall database.

24 The way that that data is formulized right now
25 currently on average the recreational fisheries averages

1 about a million pounds of Spotted Seatrout landings, but
2 the program requirements has changed sort of the
3 methodology. They are doing a lot of surveying, and that
4 has changed the landings data significantly and it is,
5 now, at a very high level.

6 I can provide that to you, also. Of course,
7 it's on their website, so you can purview it at the
8 website.

9 It has more than doubled, tripled and sometimes
10 even more than that, the landings data for Spotted
11 Seatrout.

12 I do want to point out one year was, like, I
13 think a little over five million pounds.

14 MATT HILL: Five million.

15 JOE JEWELL: That is almost as much as the total
16 biomass is reported in our stock assessment.

17 COMMISSIONER BOSARGE: That's the reason I asked
18 the question.

19 Now, when we did the stock assessment, we used
20 that MRIP data to calculate recreational catch and to plug
21 those numbers into that stock assessment.

22 Correct?

23 JOE JEWELL: We feel very confident in the
24 numbers that were used in the original stock assessment.

25 When we give the annual update to the Commission

1 which will be either at the September, or October,
2 meeting, we are going to use the data and the way the
3 methodology was used in the original stock assessment, not
4 with the survey results.

5 COMMISSIONER BOSARGE: I know on the Federal
6 level, they are having to recalculate and redo all of
7 their stock assessments because the data has changed.

8 Are we, on the State level, going to have to do
9 the same thing?

10 MATT HILL: I guess at some point the simple
11 answer to that question is if these numbers do hold up and
12 they are verified, then, yes, we will have to go back and
13 recalculate. We are going to have to run through the base
14 model again. We will have to use the new numbers for the
15 update.

16 We are in contact with Dr. Leaf, right now,
17 because obviously we are all very uncomfortable with the
18 new numbers and what they are going to do to some of the
19 recommendations and the SPR's that we have currently
20 presented.

21 However, I will assure the Commission for this
22 upcoming update, we are going to use the old methodology
23 that was used through the MRIP and that will be the
24 uncalibrated numbers. We just believe that is going to be
25 the most consistent way to do it for this year because

1 there are several workshops being set up through the Gulf
2 Council through the Southeastern Science Center because
3 there is so much concern about the new numbers that have
4 come out that at this current time on the State levels,
5 the states have agreed to use the uncalibrated numbers for
6 this year.

7 That is really the only option that I see we
8 have, that our staff sees we have, GCRL sees we have.

9 This is going to be a process that could change
10 a lot of things on some numbers that we feel are not
11 validated yet. They may fluctuate one way, or the other,
12 a great deal.

13 For us to take the time and run them through the
14 base model again is probably going to give us very
15 inaccurate information.

16 We feel very comfortable that the information
17 that we are going to use for this update, it's just one
18 year. We are going to use everything we did since 1981,
19 and, then, we are going to add the 2017 data which has
20 been finalized with the uncalibrated numbers and run the
21 update.

22 This upcoming year, we have a decision to make.
23 If these numbers stand up, we do have a decision to make.

24 COMMISSIONER BOSARGE: That's my point. We have
25 got to pay attention.

1 MATT HILL: Correct, and we are paying very
2 close attention. It is very concerning to us, but there
3 is no easy way around it. We will have a decision to make
4 on which numbers to use and how far to go back with these
5 numbers and are we going to completely rerun the base
6 models with all the new numbers.

7 That's a decision and there will be a lot of
8 people involved in that decision, but it is going to be a
9 tough decision because it is going to change some things.

10 COMMISSIONER BOSARGE: Thank you.

11 MATT HILL: I do want to start by saying it's
12 good to see Commissioner Gollott back. We have had some
13 good conversations. I always enjoy seeing you back up
14 here.

15 I also do want to address something. I hate to
16 be long-winded. I try never to be up here.

17 Commissioner Daniels did make a point, and I
18 just want to get it straight. We take abandoned trips and
19 we record the weather every day when Snapper season is
20 open. That is one consideration that we take.

21 The abandoned trips have gone up. We don't feel
22 like they have significantly gone up, but they have gone
23 up because the season has been longer.

24 We are just going to have to continue to do
25 these analyses to figure out where we are.

1 Commissioner Bosarge has brought this to our
2 attention, and we will continue to work with Marine Patrol
3 and, hopefully, we will have a solution for this.

4 The other issue that was brought up earlier was
5 during the closure, we had some trips, and we have solved
6 that. We are closed, now. That was on Marine Fisheries.

7 You cannot create a trip, right now. That
8 loophole has been somewhat fixed, we believe. We worked
9 with Bryan very closely. We've got a banner up.

10 We are definitely in a learning process, but we
11 are going to try to close all the loopholes that we can.

12 COMMISSIONER DANIELS: Just a quick question on
13 that.

14 Whenever you say you can't create a trip, is
15 there any way to put a notification there that the season
16 has closed?

17 MATT HILL: If you go on there right now, there
18 is a big red banner that is flashing like a stop sign
19 saying the season is closed.

20 We could not shut down the app, or the website
21 completely, because we still have fourteen expired trips
22 and we are trying to close those out. We are trying to
23 give those people the opportunity to close them out, and
24 we are trying to contact them.

25 That's why we didn't shut it down completely,

1 but that is the first thing you see. IT worked very
2 diligently on that, and there is a large banner. If you
3 can't see it, then, you are just ignoring what we are
4 trying to tell you.

5 You cannot create a trip, and it is very obvious
6 that the season is now closed.

7 COMMISSIONER DANIELS: There is no possibility
8 of saying, I didn't know, or the app didn't work?

9 MATT HILL: Absolutely not.

10 COMMISSIONER HAVARD: Matt, one thing that we
11 might consider, on the Alabama Outdoors app for Snapper,
12 you have to close your trip prior to trailering your boat,
13 or getting on a public dock with a fish.

14 MATT HILL: Correct.

15 COMMISSIONER HAVARD: That might be an option
16 for us, that we won't have any leeway. Before you put the
17 fish onshore, you have to close the trip.

18 MATT HILL: We have discussed that. We have
19 actually discussed that, during the certification process,
20 with the consultants, and that was something that came up.
21 It was just with our authorization number, we felt that we
22 could get away with it for a little while, but that is
23 obviously something we are looking at. We just didn't
24 want to throw too many things at the fishermen at one
25 time. We wanted to buy in, which we do feel like we have

1 a buy in, now. We feel like people understand that this
2 system is beneficial.

3 However, we have identified a group of people
4 that do consistently abandon trips, and we are analyzing
5 that, now, to see what we can do to work with Marine
6 Patrol, but, like I said, this is a process and there are
7 certain changes.

8 We make changes every year. We bug Bryan every
9 year with updates and changes and what we can see and what
10 other people can see. It's just a work in progress.

11 In saying that, I do feel like we currently do
12 have the best system in the Gulf, and we will be able to
13 stay under the limit and we will be the only state that
14 will be able to say that. We are very confident in our
15 system right now.

16 COMMISSIONER HAVARD: I think as long as we get
17 enforcement involved and y'all work together to get the
18 system resolved, we will have a much better outcome.

19 MATT HILL: Thank you.

20 COMMISSIONER BOSARGE: Like I say on the
21 commercial side, if they are breaking the law, it works
22 both ways.

23 MATT HILL: Yes, sir.

24 Are we ready to get into the schedule?

25 COMMISSIONER BOSARGE: Yes, sir.

1 MATT HILL: As Joe said, this is Title 22 Part 7
2 Chapter 9, the Spotted Seatrout Endorsement. It is up for
3 final adoption.

4 The CMR passed a Notice of Intent, on July 17,
5 2018.

6 The Notice of Intent was filed with the
7 Secretary of State on July 18, 2018, as you can see in the
8 form to the right.

9 We did give notice on our MDMR web page on July
10 19th. You can see it right here on both of the pages.

11 Legal notice appeared in the Sun Herald on
12 August 11th, 2018. The confirmation is the first form you
13 see. The notice is to the right.

14 Notice of Intent was published on July 18, 2018.

15 Pertaining to public comments, the public
16 comment period ran from July 19th through August the 20th.
17 That's a total of thirty-three days.

18 To date, three public comments have been
19 received. I will just do a short summary of the public
20 comments that were received.

21 On July 25th, Mr. Ernest Cook. I would like to
22 suggest reducing the limit to ten. This would definitely
23 cut down on how many a sport fisherman would have to sale
24 and, in all fairness, reduce length to fourteen inches.
25 Also, no commercial finfish harvesting on the weekends.

1 Recreational limits only Friday midnight until Sunday
2 midnight.

3 Our second public comment was received on August
4 10th from Mr. Mark watts. This proposed regulation will
5 make it virtually impossible for the part-time fisherman
6 to obtain an endorsement. All this proposal will do is
7 take away the rights of the part-time fisherman to
8 participate in the allowable catch and give it to the
9 full-time, or low income, commercial fishermen.

10 Our third comment was received on August 20th
11 from the Mississippi Commercial Fisheries United. It
12 supports the regulatory change because it provides
13 stronger protections for bonafide commercial fishermen.
14 The current quota is inadequate to support current effort.
15 Mississippi Commercial Fisheries United does not oppose
16 the inclusion of charter boat income to qualify.

17 Here is the marked-up version. This appears in
18 Chapter 9 Section 110.

19 I will skip to the clean version, or this is
20 what would be voted on today, and there is one caveat to
21 this, and we had a long discussion. Director Spraggins
22 actually brought this to our attention.

23 I did a review last night, but a lot of talk was
24 made about the hardship clause at the last meeting.

25 After a disagreement between myself and Joe and

1 some other people, I was wrong. It was voted on. It was
2 obviously included in there, and, luckily, we did send it
3 to the Secretary of State, so I will add that in there
4 because that is what is officially at the Secretary of
5 State. It's not on here, but I will read the sentence at
6 the very end.

7 "Beginning January 1st, 2019, individuals
8 commercially harvesting Spotted Seatrout must possess a
9 Spotted Seatrout Endorsement at a cost of ten dollars, in
10 addition to a current applicable harvester's license. To
11 qualify for this endorsement, an application must be
12 completed. For the 2019 fishing season, the fisher must
13 present documentation that a minimum of twenty percent of
14 their taxable income came from commercial fishing
15 activities in a previous tax year between 2013 to 2018.

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

19 "A Marine Fisheries Trip Ticket officer will
20 then run a sales summary for the year chosen using trip
21 tickets to determine if the eligibility requirement has
22 been met.

23 "This endorsement will be valid for a one-year
24 period, at which time a new application with qualifying
25 documents for the previous tax year shall be submitted for

1 a new endorsement. The endorsement will be valid from
2 January 1st to December 31^{sts} of each year.

3 “In the event of a hardship approved by the
4 Commission, the Department may consider qualifying
5 documents for the two years prior to the onset of the
6 hardship.”

7 If the Commission so desires to go through the
8 final adoption, all current endorsements, upon final
9 adoption of proposed regulation change to Title 22 Part 7
10 Section 110, all Spotted Seatrout Endorsements shall
11 expire October the 31st, 2018, and we are talking about the
12 current ones.

13 Required. Motion for final adoption of
14 regulatory changes to Title 22 Part 7 Chapter 9 Section
15 110, changes to Spotted Seatrout Endorsement.

16 COMMISSIONER BOSARGE: We have some public
17 comment. A gentleman would like to speak on this, Mr. Hal
18 Lusk.

19 HAL LUSK: Commissioners, gentlemen and ladies,
20 I’m Hal Lusk.

21 As I said last month, I’m an avid speckled trout
22 fisherman, both recreational and commercial.

23 As a group, last month we gave you a letter with
24 our concerns. This month, I think last Friday you should
25 have received an email from Ms. Matta in regards to a

1 petition that we had out. A hundred and eighteen
2 fishermen signed this petition in two harbors.

3 First thing said was banning the use of nets for
4 the catch and sale of speckled trout, just like Louisiana
5 and Alabama have already done.

6 The second one was support the hook and line,
7 rod and reel, who have endorsements to keep their
8 endorsements and abide by the same rules as recreational
9 fishermen.

10 The argument we hear, we are depriving certain
11 people from making a living catching speckled trout.

12 No one makes a living selling speckled trout.
13 They simply supplement their income. I'm sure most of you
14 up there have another income than what your regular job
15 is.

16 How would you like to lose that, regardless of
17 how big, or how small, that would be?

18 It would affect your lifestyle in some form, or
19 fashion.

20 DMR continues to ask the Commission to change
21 the rules so only a few can catch fish and sell them.

22 These are the same people, not all, the same
23 ones that broke the law this spring and received
24 violations, exact same ones, but we want them to catch all
25 the fish.

1 why do we continue to support the few and ignore
2 the majority?

3 It's pretty interesting, when you think about
4 that.

5 One other thing, we sent a number of emails -- I
6 know I did and I know several other people did -- to Mr.
7 Jewell in regards to this subject.

8 Maybe we misread it because we may not be the
9 best computer people in the world, but we sent a number of
10 emails to Mr. Jewell, in regards to this, but they were
11 not mentioned.

12 Did you get them?

13 JOE JEWELL: The emails that I received -- I
14 have received the petition with a hundred and eighteen
15 signatures. I have received the email from you. I have
16 received multiple emails, but it was on the proposed Cat
17 Island net ban, not on this particular subject.

18 we have only received three direct public
19 comments on the Spotted Seatrout Endorsement.

20 we have received a whole bunch of input,
21 including the petition with a hundred and eighteen names
22 on it, for the Cat Island issue.

23 That is part of our presentation. All those
24 comments will be presented to the Commission on the next
25 agenda item.

1 HAL LUSK: I know I sent one. In the future, I
2 will make sure I send it to Ms. Matta, again, and ask for
3 a response so I will make sure that it gets to the
4 appropriate people. Thank you.

5 COMMISSIONER BOSARGE: To clarify one thing, you
6 said Louisiana had closed their net fishery?

7 HAL LUSK: Louisiana and Alabama, to my
8 knowledge, do not allow the catch and sell of speckled
9 trout with a net.

10 COMMISSIONER BOSARGE: I think that's incorrect.
11 It's a game fish in Alabama.

12 JOE JEWELL: I think Matt can answer that
13 question directly about Louisiana.

14 HAL LUSK: Thank you.

15 COMMISSIONER BOSARGE: Thank you.

16 MATT HILL: To the best of my knowledge -- and I
17 have read it several times -- what happened in Louisiana,
18 when the net ban began to take place, is in order to
19 harvest Spotted Seatrout in Louisiana the only people that
20 were allowed to harvest Spotted Seatrout, after that time,
21 were the net fishermen that possessed a license between
22 1993 and 1995.

23 My understanding is they took the entire one
24 million pounds Spotted Seatrout quota of Louisiana and
25 gave it to those net fishermen, but they had to catch them

1 through hook and line, but they were the only participants
2 allowed in that fishery.

3 They were not allowed to harvest with Spotted
4 Seatrout anymore, pompano and mullet over there, but, in
5 compensation, they give the net fishermen the one million
6 pounds Spotted Seatrout quota to harvest with hook and
7 line.

8 COMMISSIONER BOSARGE: I'm glad you clarified
9 that because it has been too long for me. I didn't know
10 exactly where they were.

11 Any further discussion?

12 (No response.)

13 COMMISSIONER BOSARGE: Any questions?

14 (No response.)

15 COMMISSIONER BOSARGE: Do we have a motion to
16 approve?

17 COMMISSIONER GOLLOTT: Mr. Chairman, let me ask
18 a question. I haven't been here in a couple of weeks.

19 What exactly did we raise the quota to, or how
20 did we change it from what it was, just to clarify?

21 COMMISSIONER BOSARGE: We haven't changed any
22 quota so to speak. What we've done is to look at the
23 qualifiers for the endorsement to catch Spotted Seatrout
24 under hook and line.

25 COMMISSIONER GOLLOTT: Okay.

1 COMMISSIONER BOSARGE: Matt, catch him up.

2 MATT HILL: What we've done is, when we began
3 the Spotted Seatrout Endorsement -- I will try to
4 summarize this -- it was ten percent of your annual
5 income, or five thousand dollars, what you could prove,
6 but you could bring in receipts, tickets, anything that
7 you had around for any previous year. You could bring
8 them in from 1972, and you sat in front of myself, or the
9 Trip Ticket officer, and we approved it, or you could get
10 your tax preparer to sign a form that verified that ten
11 percent of your income came from commercial fishing
12 activities.

13 The big change in this is we have taken out the
14 five thousand dollar qualified. We have raised the
15 percentage to twenty percent of their taxable income from
16 any commercial activity, but you also are required to show
17 that through the Trip Ticket System.

18 Your tax preparer will no longer be able to
19 verify that twenty percent, or you will not be able to
20 bring us receipts, and we will verify it.

21 we will pull up your name in the Trip Ticket
22 system and we will verify your sales through that system
23 and compare them to your taxable income on your IRS form.

24 COMMISSIONER GOLLOTT: What would keep somebody
25 from cheating on that?

1 Have you thought about the ramifications?

2 MATT HILL: When we set it, it has to be their
3 filed IRS tax form. If they cheat, I think they are going
4 to be in a little bit bigger trouble than with us, and,
5 then, also, we are just going to hit a button in the
6 system.

7 If you cannot prove that you sold any seafood
8 product in that system -- if your annual income is a
9 hundred thousand dollars, I'm going to have to hit that
10 Trip Ticket System and show that twenty thousand dollars
11 of that came from seafood, from commercial activities, and
12 it has to be in the Trip Ticket System. Those are the
13 only two verifiers, the pieces of paper we will look at .

14 COMMISSIONER GOLLOTT: Thank you, Matt.

15 MATT HILL: Yes, sir.

16 COMMISSIONER BOSARGE: I believe, to kind of
17 clarify things, this will stop any cheating.

18 MATT HILL: Correct.

19 COMMISSIONER BOSARGE: The way it was before
20 there was an avenue you could go down and it wasn't quite
21 right that we had no means of verifying.

22 MATT HILL: We had no means of verifying and,
23 like I said, there was cheating. Our biggest issue is
24 when we had a tax preparer who could just sign off on it.
25 They would sign off on it and they would get it notarized,

1 and we would have to accept that.

2 Again, if they were caught doing something they
3 weren't supposed to, they were in a little bit bigger
4 trouble than with us, but we had to accept that form and
5 issue that endorsement.

6 Here, it's all in house. Once you bring us that
7 summary form of your taxable income that you filed on your
8 IRS tax form, then, we are going to compare it to the Trip
9 Ticket System and we will make a copy of both and put them
10 in the file, and that's what you are going to qualify
11 with.

12 COMMISSIONER GOLLOTT: Mr. Chairman, I would
13 like to make a motion that we accept these changes.

14 COMMISSIONER BOSARGE: Just to clarify that
15 motion, it will be for final adoption of regulatory
16 changes to Title 22 Part 7 Chapter 9 Section 110, Changes
17 to Spotted Seatrout Endorsement.

18 MATT HILL: That is correct, and I do apologize.
19 We did check with the Secretary of State. It does include
20 the hardship clause that the Commission requested at the
21 last meeting.

22 COMMISSIONER GOLLOTT: How does that hardship
23 clause read?

24 MATT HILL: It's up to the Commission. If we
25 have someone that believes they have a hardship, they will

1 be allowed to come in front of the Commission and the
2 Commission, instead of the previous year's taxes, they
3 will be able to consider the previous two years' taxes.

4 COMMISSIONER DANIELS: Just for clarification,
5 we never did do anything for the charter boat operators on
6 that?

7 MATT HILL: No. That is not currently in this
8 motion. It was the comment that was made that said they
9 do not oppose that and to consider charter for hire
10 income, when we consider this, but that is currently not
11 in the motion.

12 COMMISSIONER BOSARGE: If we wanted to
13 incorporate that, it's a another process, I'm sure.

14 MATT HILL: I would defer to Sandy on that.

15 what we have in here is commercial activities.

16 So we would say, for this provision, charter for
17 hire would fall under commercial activities for this
18 endorsement, or we would have to go out and...

19 JOE JEWELL: Gulf Council does not consider the
20 charter boat community a commercial activity. It is all
21 handled under the recreational component.

22 I think what I'm hearing -- I want some
23 clarification. If there are charter boat individuals that
24 have a commercial license and they are able to meet the
25 requirements that were stated here, then, they would be

1 eligible.

2 It's not like a separate endorsement, or a
3 separate component. It is simply that if the charter boat
4 operator can meet the requirements in here, then, he would
5 be considered a commercial fisherman and he would be
6 allowed to get the endorsement, the annual update and all
7 the terms that are put in the proposal right now.

8 There is no allotment for a separate charter
9 boat allocation to either the endorsement, or the quota.

10 MATT HILL: I think what Commissioner Daniels is
11 referring to is when we are talking about the income, we
12 are referring strictly to commercial activities and we
13 were suggesting adding charter for hire activities in
14 there so it would be commercial activities and/or charter
15 for hire activities.

16 JOE JEWELL: I think if we do that, our counsel
17 would have to weigh in because all the discussions of
18 point have been about modifications in the commercial
19 portion of it, not the recreational portion and, if we
20 combine those, if the Commission wishes to go forward with
21 that, we would have to seek out a new Notice of Intent and
22 public notice.

23 Sandy would have to weigh in on that.

24 SANDY CHESTNUT: If there are any substantive
25 changes to what has been proposed and there were

1 additions, that would have to go back out on Notice of
2 Intent.

3 COMMISSIONER GOLLOTT: Mr. Daniels, do you see
4 this hurting the commercial charter business?

5 COMMISSIONER DANIELS: Well, as Matt and I have
6 discussed before, I was personally in this position
7 whenever they first came out with speckled trout.

8 The argument that I get from a lot of our
9 charter boat guys is that we make all of our living on the
10 water, yet we can't supplement our income with selling
11 speckled trout because we're not going to reach that
12 percentage.

13 If you've got a guy that runs two hundred days a
14 year on charters, every bit of his money is coming from
15 catching fish.

16 Now, he may have another twenty days a year
17 where he is able to go out and commercially fish.

18 If he is running two hundred days a year, that's
19 a hundred thousand dollars. In the next twenty days, he
20 is not going to be able to show twenty thousand dollars
21 worth of sales.

22 The bottom line is they are making their income
23 every single day on the water, and it's a natural
24 progression for them to be able to supplement that income
25 with seafood sales.

1 COMMISSIONER BOSARGE: I agree with that.

2 COMMISSIONER GOLLOTT: I don't think I have ever
3 chartered -- and I've done quite a bit of this chartering
4 and everything -- where the fish were sold. We always
5 took the fish home with us.

6 I can see where you are coming from with this.

7 Any suggestions on how we could modify it to
8 help the charter boat operators?

9 COMMISSIONER DANIELS: That's what I had asked
10 for at the last meeting was to look into some type of
11 exception, or exemption, for licensed charter boat
12 operators, if they could prove at least fifty-one percent
13 of their income came solely from the charter boat. We are
14 talking about full-time charter boat operators.

15 JOE JEWELL: I will add some clarification,
16 Commissioner Daniels. You did bring that up and you did
17 publicly comment.

18 What you said was, what they are saying, I would
19 like to say I personally dealt with this issue years ago
20 at some point, and I would like the possibility of looking
21 into some type of consideration for the charter boat
22 operators that do this.

23 These guys are making all their money from
24 fishing, but they may not sell other types of seafood.
25 They want to supplement their income with catching

1 speckled trout on their days off.

2 The Commission did not act on that comment.

3 They would have to modify the Notice of Intent
4 with a motion to include whatever language you would like
5 to propose to include that.

6 The Notice of Intent that was approved by the
7 Commission moved forward as it was and as it is presented,
8 now.

9 COMMISSIONER GOLLOTT: Let me say this. Let me
10 withdraw my motion and make a motion that we table this
11 until the next meeting and give y'all a chance to look at
12 all of the ramifications. The last thing we want to do is
13 hurt the charter boat industry.

14 COMMISSIONER BOSARGE: We were in the final
15 adoption stage.

16 I'm asking you, Joe, can we do that?

17 JOE JEWELL: We can postpone the Notice of
18 Intent, but, if the Commission desires to make significant
19 changes to the Notice of Intent, as counsel has advised,
20 we would, at that point, have to withdraw the Notice of
21 Intent and resubmit a new Notice of Intent.

22 The Commission has to state specifically to the
23 staff what it is you would like us to consider for the
24 final adoption for next Commission meeting so that we can
25 make that determination, and, then, you are going to have

1 to vote on that.

2 COMMISSIONER DANIELS: You are going to have to
3 excuse my ignorance here. I am the new guy. I don't know
4 all the proper terminology of this.

5 I apology for the delays in this, as well. Had
6 I been here earlier, I would have brought up this same
7 issue earlier in this process.

8 COMMISSIONER BOSARGE: Is it possible to vote on
9 this, and, then, according to which way it goes, then,
10 look at starting over to add that language?

11 JOE JEWELL: You absolutely could. The
12 Commission could vote for final adoption today as it is,
13 and, then, bring the subject back up next Commission
14 meeting.

15 COMMISSIONER BOSARGE: Make like a one zero one
16 point something that adds to that?

17 Do you see what I'm saying, instead of starting
18 the procedure all over again?

19 JOE JEWELL: Well, you would have to do that
20 eventually because, if the Commission voted to move
21 forward with final adoption, we would give the Notice
22 Intent to the Secretary of State administrative bulletin,
23 and, then, thirty days from the date it is stamped, it
24 would become effective.

25 Now, at that point, the Commission can

1 reconsider what they have done, or modify what is
2 currently in the regulation. That's how that process
3 would work.

4 If the Commission decides to table it, counselor
5 Chestnut would have to weigh in, but my understanding is
6 that the Notice of Intent as it is, is still valid on the
7 administrative bulletin until which time the Commission
8 takes action on final adoption.

9 Now, final adoption is what we propose. At that
10 point, if you table it and you come back next Commission
11 meeting and you decide you want to make some substantive
12 changes to this regulation that wasn't included in the
13 filed Notice of Intent, we would have to withdraw and
14 submit a new Notice of Intent.

15 COMMISSIONER BOSARGE: So we can either table
16 it, or we can go ahead and make the changes, or ask now.

17 COMMISSIONER GOLLOTT: Do you know all of the
18 ramifications of making those changes?

19 what is the impact?

20 MATT HILL: I think what we would be looking at
21 is, I will read the complete sentence:

22 "For the 2019 fishing season the fisher must
23 present documentation that a minimum of twenty percent of
24 their taxable income came from commercial fishing
25 activities and/or charter for hire activities in a

1 previous tax year.”

2 I believe if we would add that phrase in two
3 spots right there, just as simple as that, that we would
4 accomplish allowing the charter for hire to use their
5 income to qualify for this and, also, the trip tickets
6 from the commercial system to qualify for it.

7 COMMISSIONER GOLLOTT: I’m sorry, Matt.
8 would you repeat that?

9 MATT HILL: For the 2019 fishing season the
10 fisher must present documentation that a minimum of twenty
11 percent of their taxable income came from commercial
12 fishing activities and/or charter for hire activities in a
13 previous tax year.

14 we would just be looking at adding “and/or
15 charter for hire activities” right there, and I believe
16 that would take care of what we are trying to accomplish.

17 SANDY CHESTNUT: You would still have to go back
18 out, if you make that change today.

19 JOE JEWELL: Counsel, for my understanding, if
20 the Commission wants to move forward with that Notice of
21 Intent, they would have to make a motion to withdraw the
22 current Notice of Intent, and, then, we would refile on
23 this?

24 SANDY CHESTNUT: That’s correct.

25 MATT HILL: I would like to point out that the

1 date that we are looking at, when we are talking about
2 expiration, time is on our side. If this happens, we are
3 looking at allowing all the current Spotted Seatrout
4 endorsements to expire October 31st.

5 Even if we withdrew and changed, we would still
6 make that October 31st deadline, and that is an arbitrary
7 deadline that we in Fisheries set just to give us time for
8 the qualification process, but, even if we do what is
9 being asked today, I believe we would still make the
10 October 31st deadline. I believe the final adoption would
11 come up in October.

12 JOE JEWELL: That's correct.

13 I would recommend, if the Commission is going to
14 move forward with the inclusion of charter fishing, that
15 we move back the actual expiration date from October to
16 November, a month, because it's a month that we will have
17 to be in arrears for the new Notice of Intent.

18 COMMISSIONER HAVARD: There is a lot of concern
19 for this twenty percent factor, especially the
20 supplemental income, just like Mr. Hal stated.

21 I would like more time to look into this and
22 discuss it, as far as different qualifying numbers.

23 MATT HILL: Well, if we are all in agreement on
24 the charter for hire, what we can do is we can bring
25 options back with the ten, twenty, thirty, forty, whatever

1 percentage we are looking at.

2 The percentage, if that is what we are going to
3 focus on, we can give the options on the percentage.

4 We started at ten. Then, we went to thirty-
5 five. Now, we're at twenty.

6 We can look at some more options, if the
7 Commission so desires.

8 JOE JEWELL: If the Commission wants to change
9 the qualifying portion of this in any way, the Commission
10 would have to vote on that and direct the staff to do
11 that.

12 COMMISSIONER DANIELS: Seems to me like we've
13 got a lot of uncertainty here.

14 COMMISSIONER BOSARGE: Well, I wouldn't go that
15 far. We have hashed all this out at the last meetings.

16 The only difference I see would be adding
17 charter fishermen which that's what they do. They fish
18 for a living. I don't have a problem with that.

19 I thought we had pretty well been through the
20 rest of it in the previous meetings, and we are where we
21 are, now, with final adoption.

22 COMMISSIONER GOLLOTT: Mr. Chairman, I want to
23 make the motion that we move forward with final adoption
24 and let the Commission take this back up at the next
25 meeting, or whenever they can, and get the staff to work

1 with Commissioner Daniels to see what his problem is and
2 to make sure that we are not trying to hurt the charter
3 boat fishermen.

4 I have absolutely no sympathy for these people
5 that are recreational fishermen and want to sell their
6 catch. I don't care what the percentage is. I don't want
7 to see that. You are either commercial, or you are
8 recreational, as far as I'm concerned.

9 I make a motion we move forward with final
10 adoption, with the understanding that we will bring this
11 back up.

12 SANDY CHESTNUT: And you would be withdrawing
13 the last motion to table this matter?

14 COMMISSIONER GOLLOTT: That's correct.

15 COMMISSIONER DANIELS: You are saying to move
16 forward with final adoption, with the adding of the
17 charter boats?

18 COMMISSIONER GOLLOTT: No. We've got to bring
19 the charter boats back up at the next meeting, the way I
20 understand it. We've got to go back over it again.

21 SANDY CHESTNUT: You have that option, yes. You
22 can go ahead with final adoption as it was without the
23 charter boats, and, then, you can bring it back up with
24 the charter boats at the next meeting. That's an option.

25 If you want to add the charter boat information,

1 you have to withdraw this and go back out on Notice of
2 Intent.

3 COMMISSIONER GOLLOTT: well, you wouldn't
4 withdraw it. You would just go forward with another
5 Notice of Intent.

6 Right?

7 SANDY CHESTNUT: No. If you add that language,
8 you have to withdraw what is on file with the Secretary of
9 State's office, now.

10 COMMISSIONER GOLLOTT: What is the best way to
11 handle this, Sandy?

12 SANDY CHESTNUT: You are really going to
13 accomplish the same thing. If you want to go ahead and
14 get some change on the books, if that is important to you,
15 go ahead with final adoption and come back with Notice of
16 Intent for any further changes.

17 JOE SPRAGGINS: One quick question.

18 will it delay anything, Matt, if you do the
19 final adoption today?

20 MATT HILL: Yes, sir.

21 JOE SPRAGGINS: And, then, when it comes back
22 and they want to add something to it, do they have to wait
23 for the thirty days at the Secretary of State, or anything
24 else, before they can do that?

25 MATT HILL: It will be a sixty-day process again

1 for the final adoption of that.

2 JOE SPRAGGINS: If they don't vote on the final
3 adoption today, and, then, the Commission says that they
4 want to add the one part about the charter boats?

5 MATT HILL: It's ninety days from today.

6 JOE SPRAGGINS: Can they do that today and move
7 forward, or what is the issue?

8 JOE JEWELL: I think what Director Spraggins is
9 saying is if the Commission moves forward with final
10 adoption today and we file the notice today and it gets
11 stamped today, that means that it becomes effective on, or
12 approximately, September the 20th, or the 21st.

13 If the Commission meeting in September is before
14 the 20th, what Director Spraggins is asking is can the
15 Commission file a Notice of Intent for the inclusion of
16 the charter-for-hire fishermen in there before the final
17 adoption date of the regulation.

18 I think the answer is yes, but counselor
19 Chestnut would have to weigh in on that for final opinion.

20 SANDY CHESTNUT: The next Commission meeting is
21 September the 18th and, if a Notice of Intent was passed to
22 change what we have already done, we could go ahead and
23 file it.

24 MATT HILL: The effective date for this, if we
25 went through final adoption today, would be the 21st of

1 September, and that is the effective date that is on the
2 current form. It would three days prior to that.

3 SANDY CHESTNUT: Correct.

4 COMMISSIONER GOLLOTT: somebody might come up
5 with a different ramification here that we are not
6 considering.

7 If we go ahead and adopt it, and, then, work
8 with the people that we are affecting here, maybe we will
9 come up with a better option, or something.

10 COMMISSIONER BOSARGE: We are going to leave the
11 ball in his court, which way he wants to work with it.

12 Do you feel comfortable moving forward with this
13 move, or do you want to postpone it and add to it?

14 In other words, instruct the staff to add the
15 language and bring it back next month?

16 COMMISSIONER DANIELS: That's what I would feel
17 most comfortable with.

18 COMMISSIONER BOSARGE: That's where we are.

19 So Commissioner Gollott would have to withdraw
20 his motion and modify his motion.

21 Correct?

22 JOE JEWELL: He has withdrawn his motion to
23 table, and the motion that he currently has that hasn't
24 been seconded is to move forward with the current proposed
25 regulatory changes, so he would have to withdraw that.

1 COMMISSIONER GOLLOTT: Okay. I will withdraw
2 that motion.

3 COMMISSIONER BOSARGE: Now, we would need a
4 motion.

5 COMMISSIONER DANIELS: I will make the motion to
6 bring this back next month with the added language to
7 include charter boats.

8 MATT HILL: The specific language for charter
9 for hire included?

10 COMMISSIONER DANIELS: Just what you've got
11 there, yes, sir.

12 JOE JEWELL: With that being said, we will have
13 to withdraw the current Notice of Intent. The Commission
14 will have to vote to withdraw the current Notice of Intent
15 on file and for the staff to come forward at the next
16 Commission meeting with the same proposal, but with the
17 inclusion of the charter boats.

18 COMMISSIONER DANIELS: That's correct.

19 COMMISSIONER BOSARGE: Who is going to make the
20 motion to withdraw?

21 COMMISSIONER HAVARD: Can we add maybe looking
22 at that twenty percent qualifier --

23 COURT REPORTER: (Interposing) I can't hear
24 you, Commissioner Havard.

25 MATT HILL: If the Commission votes for us to

1 Look at some options, we can look at some other options.

2 COMMISSIONER BOSARGE: Let's get clear what we
3 need to do first.

4 JOE JEWELL: I guess the first thing is to
5 withdraw the Notice of Intent.

6 COMMISSIONER BOSARGE: I need a motion to
7 withdraw the Notice of Intent.

8 COMMISSIONER DANIELS: I'll make that motion.

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

11 SANDY CHESTNUT: Can we take some time and put
12 the motion on the board, please, just to get it right?

13 Commissioner Daniels is making a motion to
14 withdraw for final adoption the Title 22 Part 7 Chapter 9.

15 JOE JEWELL: I need some clarification.

16 The final adoption hasn't been approved. What
17 we are withdrawing is the current Notice of Intent.

18 SANDY CHESTNUT: Right, but it's not going to
19 move forward for final adoption.

20 JOE JEWELL: That's correct.

21 SANDY CHESTNUT: And the rest of that motion is
22 to bring back next month language regarding the charter
23 boat industry.

24 COMMISSIONER DANIELS: Yes.

25 COMMISSIONER BOSARGE: We have a motion.

1 Do we have a second for that motion?

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

4 COMMISSIONER BOSARGE: We have a motion and a
5 second.

6 All those in favor aye.

7 (All in favor.)

8 COMMISSIONER BOSARGE: Opposed like sign.

9 (None opposed.)

10 COMMISSIONER BOSARGE: Motion carries.

11 COMMISSIONER DANIELS: I would like to make a
12 motion to bring this back next month with the included
13 language for charter boats.

14 COMMISSIONER BOSARGE: We have a motion.

15 Do we have a second for that motion?

16 COMMISSIONER GOLLOTT: I'll second it, Mr.
17 Chairman.

18 COMMISSIONER BOSARGE: All those in favor aye.

19 (All in favor.)

20 COMMISSIONER BOSARGE: Opposed like sign.

21 (None opposed.)

22 COMMISSIONER BOSARGE: Motion carries.

23 COMMISSIONER HAVARD: I would like to make a
24 motion that we bring back next month some alternatives to
25 the twenty percent to reach that qualifier.

1 MATT HILL: When we're talking about
2 alternatives, are we just talking about different
3 percentages, or different qualifiers?

4 COMMISSIONER HAVARD: I think there are multiple
5 qualifiers --

6 SANDY CHESTNUT: (Interposing) I couldn't hear
7 that motion.

8 COURT REPORTER: I can't hear Commissioner
9 Havard.

10 COMMISSIONER BOSARGE: Ms. Chestnut, what is it
11 you need?

12 SANDY CHESTNUT: I need the motion that Mr.
13 Havard just made.

14 COMMISSIONER BOSARGE: Could you repeat your
15 motion, Commissioner Havard?

16 COMMISSIONER HAVARD: I would like to make a
17 motion that the staff bring back language that addresses
18 the twenty percent and some additional qualifiers for the
19 endorsement.

20 COMMISSIONER GOLLOTT: Can we discuss this a
21 little bit?

22 I would like to have a reason why we want
23 recreational people selling commercial fish.

24 COMMISSIONER HAVARD: I'm not so worried about
25 recreational guys. I'm thinking about the retired guys

1 that have saved well throughout their life and they want
2 to supplement their income on the weekends, or some during
3 the week when the biting is good.

4 If they have saved well for their retirement,
5 they are never going to reach this twenty percent
6 qualifier to get their commercial license.

7 COMMISSIONER GOLLOTT: Didn't we solve that
8 problem, when we put these qualifiers on there because the
9 retired people came up?

10 MATT HILL: You are going to have to help me on
11 this. When we included the words "taxable income", that
12 we supposed to be the least restrictive income that was on
13 the filed tax form. That was my understanding.

14 COMMISSIONER HAVARD: And that's correct.

15 MATT HILL: I guess where I had difficulty with
16 that is we took the least restrictive. I think we were a
17 little more restrictive in the beginning.

18 If we are going to use the tax form, I'm not
19 sure what else to use on there.

20 COMMISSIONER HAVARD: Out of a hundred and
21 fifty-one commercial Spotted Seatrout endorsements that
22 are out there, I have had several of these guys call and
23 come to me and talk to this twenty percent issue, and say
24 that we are penalizing them for saving well for their
25 retirement because they will never make twenty thousand

1 dollars a year selling seafood from trip tickets to meet
2 the twenty percent qualifier.

3 They have some concerns, and a lot of these guys
4 have been doing this for years and years.

5 COMMISSIONER GOLLOTT: One of the reasons I
6 wanted to add Tails n' Scales on speckled trout is we can
7 fall back on this. This is another reason to do Tails n'
8 Scales to take in consideration retired people. I'm not
9 trying to cut retired people out. It's just that we had
10 over four hundred recreational fishermen selling fish, and
11 it's creeping back up I understand, and I don't want to
12 see it go back up.

13 Recreational people should be catching
14 recreational fish and taking them home and not selling
15 them.

16 COMMISSIONER HAVARD: Richard, I agree. If the
17 recreational guys are doing wrong, catch them. Stop it.
18 It's not a recreational-commercial.

19 COMMISSIONER BOSARGE: well, it is kind of, and
20 there is a big group of folks that do both, recreational
21 fish and commercial fish, and I have a problem with that.

22 It's kind of like Commissioner Gollott said.
23 You have either got to be commercial, or you've got to be
24 recreational. You can't be both.

25 This was a way of making sure we were fair to

1 the commercial fishermen and making sure the ones that
2 have done it and done it correctly could still qualify.

3 we have had this discussion. There are some
4 things I think we need to do within the Spotted Seatrout
5 Endorsement Program that would make it better for
6 everybody.

7 Someone might suggest, whenever a commercial
8 fisherman buys a license -- I buy a shrimp license. I buy
9 a crab license. I buy an oyster license. I have to
10 attach it to a vessel. That vessel has to be a commercial
11 vessel.

12 If we are going to do this and do this
13 correctly, then, that Spotted Seatrout Endorsement needs
14 to be attached to a vessel which is a commercial vessel.
15 This is a commercial fishery. This is not a recreational
16 fishery.

17 At the same time, to differentiate that vessel
18 from any other vessel in Alabama, you have to put a
19 placard on that vessel, two-foot-by-one-foot red placard
20 where it can be identified from a distance to let
21 enforcement know that is a commercial vessel.

22 Those are some of the things I see that we
23 haven't done that need to be done.

24 It's a commercial fishery and like any other
25 fishery, that license needs to be attached to a vessel

1 and, at the same time, I don't think that vessel should be
2 used in the recreational fishery because it's a commercial
3 vessel.

4 We have got to make the laws where enforcement
5 can do their job.

6 JOE JEWELL: Commissioner Bosarge, I want to
7 address a couple of the points that you brought up because
8 with the motion that was passed, I want to point out that
9 the original Notice of Intent that is filed that we are
10 going to withdraw, it's under Chapter 9, commercial size,
11 possession and catch limit.

12 Now, we have been directed to add charter for
13 hire in there.

14 I want to make sure everybody understands that
15 no organization that I know of considers charter for hire
16 commercial. It is considered part of the recreational
17 component.

18 I just want to be clear on that and the
19 Commission to understand that we would be officially
20 including the recreational component in the commercial
21 catch. There is no way around that. Charter for hire is
22 considered by both Federal and State governments in
23 commercial exclusion.

24 Then, I want to address your comments and
25 Commissioner Gollott's comments --

1 COMMISSIONER GOLLOTT: (Interposing) Joe, let
2 me ask you a question right here. I'm sorry.

3 JOE JEWELL: Sure.

4 COMMISSIONER GOLLOTT: Couldn't we establish a
5 separate category for charter boats and their own quota?

6 JOE JEWELL: We could make a separate chapter to
7 include this language, absolutely.

8 COMMISSIONER DANIELS: My question is do we not
9 allow these same fishermen to buy a commercial license, as
10 well as a charter license?

11 JOE JEWELL: Yes.

12 MATT HILL: Yes, we do.

13 COMMISSIONER DANIELS: I don't see how we can
14 say, yes, you can buy a license, but you can't be
15 included. You can show up at the game, but we're not
16 going to let you play.

17 COMMISSIONER GOLLOTT: You've got to realize one
18 thing, too. We have set a limit on these commercial
19 people of fifty thousand pounds. That's all they get.

20 If we let these recreational people sell fish,
21 they are taking the bread out of these commercial people's
22 mouths.

23 COMMISSIONER BOSARGE: Right now we have a
24 motion that Commissioner Havard has made.

25 COMMISSIONER DANIELS: Commissioner Havard, on

1 the additional qualifiers that you are talking about, are
2 you suggesting an age qualifier?

3 COMMISSIONER HAVARD: I think an age qualifier
4 would be a good one to look at and readdress the whole
5 twenty percent. Twenty percent equates to a lot of money.
6 We need to put twenty percent, or X number of dollars.

7 I just think there are a lot of things that we
8 have not thought about.

9 KEITH DAVIS: Mr. Chairman, from an enforcement
10 standpoint, to Joe's point, when you include charter boat
11 into this language, how do we determine when you are on a
12 charter trip, or you are fishing for trout that you can
13 sell?

14 COMMISSIONER DANIELS: Very simply. You have to
15 have the number of people with endorsements. If I
16 personally am carrying a speckled trout endorsement, I've
17 got to have other people with the endorsements on that
18 boat to fish to make that a legal commercial trip.

19 We are obviously not going to have that,
20 whenever we have two, or three, clients on there.

21 KEITH DAVIS: Yes, sir, but everyone is not like
22 you, Commissioner.

23 When you get back to the dock, when some of
24 those trips are back at the dock and your crew, or your
25 customers, are saying we don't want that many fish, we do

1 know that sometimes those fish make it back to the deck
2 hands and the captains, and enforcement shows up at that
3 point, as I understand how the language will be written,
4 there is no way for enforcement to distinguish those fish.

5 COMMISSIONER DANIELS: I believe Commissioner
6 Gollott has a good point with included Tails n' Scales on
7 this speckled trout fishery.

8 Isn't that what you asked to add?

9 COMMISSIONER GOLLOTT: Yes.

10 COMMISSIONER DANIELS: That seems to me like a
11 program that we have already got in place that could be
12 implemented.

13 KEITH DAVIS: Yes, sir. I don't want to get us
14 too far afar, but I think that there are a lot of
15 unanswered questions moving forward with how we draft the
16 language going out for Notice of Intent again.

17 JOE JEWELL: I do want to point out that Tails
18 n' Scales tracks recreational landings, not commercial.

19 If the charter for hire boat at that time
20 decides to be a commercial activity, he will have to
21 report all those landings in the Trip Ticket Program.

22 COMMISSIONER BOSARGE: Maybe to answer your
23 question, Commissioner Daniels, you weren't talking about
24 using your endorsement to catch fish on your charter boat?

25 COMMISSIONER DANIELS: No.

1 COMMISSIONER BOSARGE: You see what I'm saying?
2 You are saying that he would be catching fish on
3 his charter boat that would be under an endorsement.

4 He is referring to having an endorsement, using
5 his income from the charter boat to qualify for that
6 endorsement, and, then, being able to fish on his own boat
7 using his endorsement. I believe I'm correct.

8 KEITH DAVIS: I do understand that part.

9 COMMISSIONER DANIELS: I think what Chief Davis
10 is getting at is the possibility of fish being sold that
11 weren't caught with the endorsement.

12 I don't know how to fix that problem.

13 The comments that we had earlier about trips
14 being cancelled, I mean, there are people out there that
15 are going to do things the wrong way.

16 I'm just trying to follow up on voices that have
17 come to me through the charter boat community wanting to
18 be able to continue supplementing their income.

19 KEITH DAVIS: Yes, sir, and I agree with that.

20 I just think that there needs to be a little
21 more careful consideration on how the language is drafted,
22 as you go out for Notice of Intent because of that issue.

23 Not everyone is going to do it, but I do believe
24 that you are making it a little bit harder for enforcement
25 to try to enforce those who will violate and catch fish

1 and declare those fish under their Endorsement, after they
2 have caught them on a charter trip.

3 COMMISSIONER GOLLOTT: Chief, let me ask a
4 question.

5 when you do Tails n' Scales, you declare before
6 you go fishing you are going speckled trout fishing and so
7 and so, and you do it, like, in the morning.

8 If you pull up on a boat and there are three, or
9 four, people in the boat and they are fishing and they've
10 got Tails n' Scales, if they are recreational, or
11 commercial, they do trip tickets.

12 wouldn't that solve the problem?

13 MATT HILL: I guess, not having done something
14 like this before, I will throw this out there.

15 COMMISSIONER BOSARGE: In an effort to move this
16 on, maybe we should direct the staff to take into
17 consideration this conversation, when you are drafting
18 that language and see if you can come up with some
19 language that works for enforcement.

20 MATT HILL: I believe what we're talking about
21 here is we are talking about the income requirements.

22 I don't believe we have a big issue with
23 enforcement on the income requirements.

24 It's what happens after the charter for hire
25 vessel captain qualifies for it, then, how do you

1 differentiate if he is commercial fishing, or charter
2 fishing, and I have some ideas about that.

3 when we are talking about what they are using
4 for income, this is strictly about income requirements.
5 This is not saying what they can and can't do, or whether
6 you are catching those fish commercially, or
7 recreationally. We are strictly focusing on how do you
8 qualify to get the endorsement.

9 Now, the Chief's concern is a very valid one,
10 what happens after they get the endorsement. That is a
11 new set of language. That has nothing to do with this
12 particular language.

13 This is just who qualifies and who doesn't.

14 Now, we are getting into some of the comments
15 that you were making a little earlier.

16 what are you doing?

17 what is your intent?

18 what is your activity.

19 That's a different set of language.

20 COMMISSIONER BOSARGE: Chief, would you be
21 willing to work with Matt to see if we couldn't iron out
22 some of these details and figure what would make all of
23 this mesh?

24 KEITH DAVIS: Certainly. I just wanted to point
25 out those concerns, as we are drafting, so we don't put

1 ourselves in a box.

2 COMMISSIONER BOSARGE: Kudos to you because we
3 can make all the laws in the world, but, if the laws
4 aren't enforceable, they are no good. We have got to make
5 them where they work with you.

6 KEITH DAVIS: Yes, sir. I would like to point
7 out that just this morning I saw a crabber going through
8 CSX, and I learned a regulation allows a commercial
9 crabber to fish six pots north of the CSX bridge.

10 How do you know which crabs you caught north and
11 which crabs you caught south?

12 COMMISSIONER BOSARGE: I can address that one
13 from the Crab Task Force. We tried to differentiate the
14 gear where a commercial crabber has a full trap; a
15 recreational crabber has a half trap. When you pull it
16 up, you will know the difference. You will know if it's
17 commercial, or recreational.

18 JOE JEWELL: Commissioner Bosarge, I'm echoing
19 what Matt said. Some of the comments you made will be
20 pretty saline to the process, if we attach the license to
21 the boat. That certainly is a consideration.

22 Commissioner Daniels, I want to ask this
23 question.

24 Do all the charter boat fishermen that
25 commercially fish for Spotted Seatrout have a different

1 boat?

2 If they have a different boat in which they do
3 that and they are not doing that activity on the charter
4 boat, we can clearly make that distinction in the proposed
5 language. That would make it easier on Marine Patrol, if
6 they see a charter boat out there and they have to try and
7 make that call when they are out in the field.

8 COMMISSIONER DANIELS: No, sir. I can't imagine
9 that all charter boat, or even a majority of the charter
10 boat fishermen that commercially fish have two separate
11 boats.

12 COMMISSIONER BOSARGE: In an effort to move it
13 on, right now we have a motion on the table.

14 Do we have a second for that motion?

15 COMMISSIONER GOLLOTT: What is the motion, Mr.
16 Chairman?

17 COMMISSIONER BOSARGE: Would you repeat the
18 motion, Ms. Chestnut?

19 SANDY CHESTNUT: Motion to bring back language
20 that addresses the twenty percent and different qualifiers
21 for the endorsement.

22 COMMISSIONER BOSARGE: We have a motion.

23 Do we have a second for that motion?

24 (No response.)

25 COMMISSIONER BOSARGE: Hearing none, the motion

1 fails.

2 MATT HILL: Thank you.

3 COMMISSIONER GOLLOTT: Mr. Chairman, I would
4 like to make a motion that we take a short break.

5 COMMISSIONER BOSARGE: I'll second that motion.
6 Let's take ten minutes.

7 MEETING STANDS IN RECESS

8 COMMISSIONER BOSARGE: I call this meeting back
9 to order.

10 COMMISSIONER HAVARD: Matt, one other thing,
11 before we get too deep in another subject, this Tails n'
12 Scales app, I created a trip just a few moments ago. It
13 gave me a trip number. The only red banner that is on the
14 Tails n' Scales app says, "You have created a successful
15 trip." You get a text, the whole nine yards.

16 MATT HILL: We will look into that. We will go
17 into the office and call the developer, but I tried it
18 yesterday and it kicked me completely out of the system
19 and it had that banner up there. Obviously, they have
20 changed something.

21 COMMISSIONER HAVARD: No problem.

22 JOE JEWELL: Yesterday I also tried to do a trip
23 and it wouldn't allow me, and I saw the banner that said
24 "The Season is Closed", but I also saw your cell phone
25 where you actually were given two authorization codes a

1 few minutes ago, so there is something going on.

2 I did ask you if you had updated software and
3 you said yes.

4 There is some issue that we need to address
5 quickly.

6 COMMISSIONER HAVARD: Okay. Appreciate it.

7 JOE JEWELL: Commissioners, next up for your
8 consideration is Item K2, Title 22 Part 5 Chapter 4, One-
9 Mile Commercial Finfish Net Exclusion Zone Around Cat
10 Island.

11 COMMISSIONER BOSARGE: Joe.

12 JOE JEWELL: I'm going to take all those issues
13 on.

14 COMMISSIONER BOSARGE: Commissioner Gollott has
15 not been here, so he doesn't know quite where we have
16 been.

17 JOE JEWELL: Some of the issues that were raised
18 and some of the issues that Commissioner Gollott needs to
19 be aware of, I'm going to raise right here on this slide.

20 This is an inclusion slide that Director
21 Spraggins approved. It is not in your packet, and I want
22 to take on a couple of the issues here.

23 This will be germane to your comment to update
24 Commissioner Gollott.

25 At the June Commission meeting, a motion was

1 made for consideration of a haul seine net ban around Cat
2 Island.

3 Then, at this past July meeting, there was some
4 clarification on that language, that specific language
5 that it apply to all the commercial nets, not
6 recreational.

7 There was some clarification made by Counselor
8 Chestnut to include all nets that were under that chapter
9 of the regulatory language.

10 That motion was approved by the Commission and
11 moved forward, so that is sort of where we are at here
12 today.

13 COMMISSIONER GOLLOTT: How does it read, Joe?

14 JOE JEWELL: The motion?

15 COMMISSIONER GOLLOTT: Yes.

16 JOE JEWELL: The motion at the July meeting was
17 to add an agenda Item K5(a). Commissioner Havard motioned
18 to add the item. Included discussion on establishing a
19 haul seine exclusionary zone around Cat Island.

20 The specific motion was for the staff to come
21 back next month which would be July with a Notice of
22 Intent to establish a one-mile commercial net exclusionary
23 zone around Cat Island.

24 The motion was made by Commissioner Havard. It
25 was seconded by Commissioner Trapani. It passed three to

1 one. Commissioner Bosarge voted no.

2 At the July meeting, the motion was modifying
3 Title 22 Part 5 to include a one-mile exclusion zone
4 around Cat Island to prohibit commercial nets.

5 COMMISSIONER GOLLOTT: In other words, that
6 would include shrimp nets, also.

7 JOE JEWELL: Well, I addressed that at the issue
8 that was made in public comment.

9 The question that was raised during one of the
10 public comments was clarification of what specific nets
11 this was addressing.

12 I clarified that request, by stating in the
13 public record the explanatory language for Chapter 24, the
14 commercial.

15 I will read that to you, Commissioner Gollott,
16 from the July meeting.

17 I was asked by Mr. Ryan Bradley,
18 "Can we get some clarity from this?"

19 I was directed by Chairman Bosarge to respond to
20 it, and here is my response:

21 "The section of language that it is addressing
22 and that the changes would take place on is
23 Section 101, and this is the explanatory chapter
24 that all other explanatory sections are under,
25 and it reads."

1 I read it into the record, and it says:
2 "It shall be unlawful for any person, firm,
3 or corporation, to catch, take, or carry away
4 any saltwater fish by, or with" -- here is the
5 defining of what nets it applies to -- "gill
6 nets, trammel nets, purse seines, seines and
7 fish traps and other like contrivances."

8 Those are the specific nets that this regulatory
9 change would address.

10 It would not address shrimp trawls, and I say
11 that it specifically applies to these types of commercial
12 gear. It does not include shrimp trawls.

13 There is a lot of input from both commercial and
14 recreational shrimp trawling that have concerns that it
15 would apply to them.

16 SANDY CHESTNUT: I'm sorry to interrupt, Joe.

17 I would like to also point out there is a
18 specific statute on shrimp trawls and that they have a
19 half a mile off the shoreline and they have a very defined
20 area.

21 When there is maybe a conflict, which I don't
22 think this is, but when there is a specific statute, that
23 statute is going to control and the more specific
24 regulation is going to control. This would not affect
25 shrimping.

1 COMMISSIONER GOLLOTT: Joe, can I say something
2 here?

3 JOE JEWELL: Yes, sir.

4 COMMISSIONER GOLLOTT: I have looked at this,
5 and thank you for defining shrimp trawls.

6 To me, the problem is the haul seine and I've
7 been told that if you get five hundred feet off of the
8 island, you have accomplished what I would like to see
9 happen.

10 First of all, recreational fishermen have had
11 wade fishing around Cat Island for many years, and there
12 was no reason for this bunch in Jackson County to run over
13 there and try to raid this fishery.

14 I think if we would pass a half a mile, or a
15 mile -- it doesn't really make any difference -- off of
16 Cat Island for haul seines, and, then, also add that any
17 nets used -- to keep them from trying to come up with a
18 different type net, or something, to get around this law -
19 - has to be approved by the Commission before it can be
20 used for Spotted Seatrout.

21 I think those two things inserted into an
22 ordinance would solve the problem and it would stop the
23 fighting between the recreational and the commercial
24 people.

25 Has anybody got any ideas?

1 COMMISSIONER BOSARGE: Well, Commissioner
2 Gollott, I guess the argument has been what is the
3 justification for this change in the rules?

4 COMMISSIONER GOLLOTT: Like I said, it's been
5 traditionally a wading fishing area, and I'm sure Mr.
6 Eicke can speak to that.

7 Up until now, commercial people haven't gone up
8 on Cat Island and tried to chase the fish into the nets
9 and stuff like that.

10 This was a bunch of rogues that really did this.
11 These people have been outlaws all of their lives and,
12 unless you do something to change it, they are going to be
13 back. They seem to really love aggravating the
14 recreational fishermen.

15 COMMISSIONER BOSARGE: I guess my question to
16 you would be, what did they do wrong?

17 COMMISSIONER HAVARD: Steve, can I assist with
18 that explanation?

19 COMMISSIONER BOSARGE: Yes, sir.

20 COMMISSIONER HAVARD: We already have a law
21 that's in place. Mississippi State Code 49-15-78 states
22 that it is unlawful for a person to use a gill net, a
23 trammel net, an entanglement net, or like contrivances for
24 the taking of fish in marine waters within half a mile of
25 shoreline.

1 Contrivances is the catchall. If it's a like
2 net that is similar to a gill net, trammel net, or
3 entanglement net, that law is already in place. It has
4 been looked over.

5 I don't think anybody in the department was
6 aware of that law and that it was applicable in this case
7 with these entanglement nets that we are calling a haul
8 seine net.

9 That law is in place, and it's not applying to
10 pogy boats. It's not talking to those different types of
11 nets. It's talking to like contrivances that are being
12 used, or being qualified as a haul seine net.

13 We have a law in place. All we have to do is
14 say that these haul seine nets are like contrivances that
15 the State legislature has already approved.

16 JOE JEWELL: I will address those comments, and,
17 then, I will address the issue about Cat Island.

18 You are absolutely correct. State statute does
19 define those specific nets, but it uses the word
20 "entanglement", specifically entanglement devices.

21 You have to look at how a net is designed.

22 I have said this before and it has sort of been
23 misinterpreted. Any net you have can entangle fish. It
24 just depends on the mesh size. You have to look at what
25 the purpose of the net is for.

1 A shrimp trawl is specifically designed to
2 entrap shrimp.

3 Now, a haul seine is not intentionally designed
4 to entangle. It is designed to entrap the fish.

5 In our regulations, it does not use the word
6 “entanglement”.

7 That’s how the agency and the Commission has
8 previously defined that, or regulated that issue, because
9 it doesn’t say entanglement.

10 Now, the Commission can vote and change that,
11 the way the agency interprets the regulations that are on
12 the books.

13 COMMISSIONER HAVARD: When this law was written
14 in 2010, there was no such thing as a haul seine net.

15 JOE JEWELL: I think there was, but they weren’t
16 using it at that time.

17 The reason the legislature acted on that is we
18 had a big issue in the mid and late nineties with gill
19 nets, ghost fishing and other issues.

20 The Commission, at that time, did not
21 specifically address haul seines. They specifically
22 addressed gill nets and they required degradable material
23 for design, but they did not attach that requirement to
24 any other type net, other than gill nets and trammel nets.

25 COMMISSIONER BOSARGE: The haul seine is a piece

1 of equipment that has been around since the time of
2 Christ.

3 JOE JEWELL: It has been around quite a while.

4 COMMISSIONER BOSARGE: Yes, it has been around a
5 long time.

6 JOE JEWELL: It just wasn't actively used a lot,
7 during that time. It was used, but not a lot.

8 COMMISSIONER BOSARGE: It was used, but, once
9 gill nets were gone, then, they had to back up to a piece
10 of equipment that is a whole lot harder to work and a
11 whole lot more strenuous and requires a whole lot more
12 effort to be able to continue to fish.

13 JOE JEWELL: That's correct.

14 The only type of net that was addressed by the
15 Commission, at that time, for the degradable material
16 requirement was trammel nets and gill nets.

17 COMMISSIONER DANIELS: My question is one thing
18 you just said. You said it is defined as an entrapment
19 net. We have been over this multiple times, in my short
20 time here.

21 How does it define it?

22 If we don't have a definition, we don't know
23 exactly what it is.

24 JOE JEWELL: That's right. There is a
25 difference between entrapment and entanglement.

1 COMMISSIONER DANIELS: I believe, if I --

2 JOE JEWELL: (Interposing) I think Commissioner
3 Havard can address that issue. He is a commercial
4 fishermen. He understands.

5 The design of the net, it's purpose, what it's
6 goal is set out for, in a haul seine circumstance is for
7 entrapment, not necessarily entanglement.

8 There is no definition for whether it's an
9 entanglement, or entrapment, device for a shrimp trawl,
10 but its design is to entrap, not entangle.

11 Am I saying that correct?

12 COMMISSIONER BOSARGE: You're correct.

13 A gill net is...

14 JOE JEWELL: Specifically designed to entangle.

15 COMMISSIONER BOSARGE: Correct.

16 COMMISSIONER GOLLOTT: One of the things that I
17 have been told, with this type net, it has to keep moving
18 like a shrimp trawl. You can't set it like a gill net.

19 Is that correct?

20 JOE JEWELL: That's right. A gill net and a
21 trammel net are set nets. You go out and you set it. You
22 leave it there for an amount of time, and you come back
23 and check it.

24 A haul seine is considered a strike net. You
25 move up on top of the fish real quickly and retrieve the

1 net real quickly. There are regulations that determine
2 how that is done. They have to have a boat. The boat has
3 to be continuously attached to the net.

4 The minute they turn the net loose, the boat
5 moves from it, we consider it a gill net, or trammel net,
6 and it would be actionable for a ticket at that point.

7 There are a lot of rules that govern how these
8 nets are operated and manipulated in the field.

9 COMMISSIONER BOSARGE: This law that you site,
10 if it has been on the books since 2010, you would think
11 that somewhere along the line somebody would have been
12 cited for violation of that law.

13 COMMISSIONER HAVARD: You would think so, but it
14 has not.

15 COMMISSIONER BOSARGE: Well, it brings me back
16 to what we went through with crabs and the interpretation,
17 different interpretations of the law. One person reads it
18 and sees one thing, and somebody else reads it and sees
19 something else.

20 COMMISSIONER HAVARD: Then, why would they put
21 in there "like contrivances"?

22 JOE JEWELL: I will read it again.

23 "It is unlawful for any person to use a gill
24 net, a trammel net, entanglement net" -- both
25 gill nets and trammel nets are entanglement

1 nets -- "or like contrivances."

2 I think what they are referring to is any type
3 of modification to a gill net, or a trammel net. There is
4 no other mention, in that section of the code, to any
5 other type net.

6 This was written at that time when the gill net
7 issue was very prominent before the Commission and a very
8 big public concern at that point.

9 It wasn't specifically addressing any type of
10 other net, other than gill net, or trammel net.

11 COMMISSIONER BOSARGE: In my opinion, it was
12 written to keep commercial fishermen from coming up with a
13 different type of gear that wouldn't be a gill net, but it
14 would still catch fish by entanglement.

15 JOE JEWELL: We have had a lot of discussion
16 internally on this. Director Spraggins can verify that.
17 There has been discussion on this very specific statute
18 and our regulations, and how that difference occurred, and
19 how we interpret that difference.

20 The agency traditionally has interpreted a haul
21 seine not as a gill net, or a trammel net. It is a
22 separate gear type that has a specific separate function,
23 and that is subject to change. Certainly, the Commission
24 could address that. Absolutely.

25 COMMISSIONER HAVARD: That is not how this net

1 is being fished. We've got documents showing that it is
2 being fished similar to a gill net, or an entanglement
3 net. There are pictures of this happening.

4 Also, how do we approve a net that we have never
5 done any kind of scientific study on to even see what
6 category it falls under?

7 Matt, have you ever seen one of these nets set,
8 prior to you approving the net?

9 MATT HILL: I have. This came up several years
10 back, and there was a gentleman in west Harrison County.
11 I went with him several times to how this net was worked.
12 He had several different mesh sizes.

13 I guess it's time to get it out. I do want to
14 clarify that we are not approving these nets.

15 The fishermen have come in. They have this
16 gear.

17 It is also an untrue statement that these nets
18 weren't used back in the late nineties and 2000. They
19 were.

20 There is a gentleman back here who has been
21 using one since, I believe, 1996 or 1997.

22 These nets have been around for a long time.
23 They have been modified to some degree, but, when we place
24 a tag on a net, the only two nets that this department is
25 required to tag is a gill net and trammel net.

1 All that tag is saying is that gill net, or
2 trammel net, is made of the degradable material, it meets
3 the degradable material regulation that is in Title 22
4 Chapter 5.

5 what we have done is we have had several
6 fishermen who approached us about using these nets.

7 I said, well, I would like to see these nets, or
8 the department would like to see these nets.

9 we took it upon ourselves to inspect these nets,
10 not the legality, not for how long they were, but if they
11 were marked correctly. I wanted to see if they were
12 properly constructed with the bag and their purpose was to
13 entrap the fish and not entangle the fish.

14 The reason for putting the tag on the net was
15 for the most popular question that we get asked, how many
16 of them do we have.

17 If we do not tag these nets, anybody can come up
18 here and buy a Type 11 license and they can begin fishing
19 these nets, and we have no idea how many are out there,
20 how many are in the system, if they are sold, who owns
21 what.

22 If one of them is left in the water, we will
23 know who this is, or if there is an accident that happens,
24 or anything like that.

25 That's why we started bringing up, we started

1 looking at these nets annually, but we are not required to
2 tag haul seines, purse seines, shrimp trawls, any other
3 net, besides the gill net and trammel net, and that tag
4 does not make that net legal.

5 That tag shows that we have determined that it
6 is an entrapment net and, in our experience, it is built
7 to entrap the fish.

8 Now, if they fish that net as a gill net, it is
9 a ticketable offense, and we have discussed with Marine
10 Patrol, that net is not a license to fish that net anyway
11 you would like to fish it.

12 we have several fishermen that fish these nets
13 correctly. I have witnessed several sets.

14 we have some that fish them incorrectly, and
15 they should be ticketed for that, if they are fishing them
16 incorrectly.

17 If a haul seine is fished correctly, it is an
18 entrapment device. It is not an entanglement device.

19 JOE JEWELL: When the Commission asks how many
20 of these nets and devices do we have, the only way we know
21 that is the process that Matt is doing. There are about
22 eighteen people who have purchased this license and a
23 little less than half of those are actively fishing the
24 haul seine. There are about eight, or nine, that are
25 actually fishing the gear.

1 COMMISSIONER BOSARGE: If I understand you
2 correctly, that is a legal piece of gear fished correctly?

3 MATT HILL: That is correct. It is a legal
4 fishing gear, if the intent is to fish it correctly and it
5 is fished correctly.

6 Any piece of gear can be fished incorrectly and
7 it becomes an illegal piece of gear which should be
8 ticketed.

9 COMMISSIONER BOSARGE: A shrimp trawl, if it is
10 over fifty feet, it's an illegal piece of gear.

11 MATT HILL: That is correct.

12 COMMISSIONER BOSARGE: Once again, we have a
13 legal piece gear, unless Marine Patrol finds that it is an
14 illegal piece of gear fished in a legal area.

15 Once again, I come back to this same conclusion.
16 How did we get where we are, now?

17 What rationale was used to say that we needed to
18 change any kind of management?

19 In other words, give me some science, give me
20 some rationale, give me some reason that this is going to
21 help the resource, or hurt the resource.

22 There is a page out our handbooks that I would
23 like to read into the record because this is what it says
24 we are supposed to do.

25 "Any fishery management plan and any regulation

1 promulgated to implement that plan, or
2 promulgated under the State seafood laws, shall
3 be consistent with the following standards for
4 fishery conservation and management.

5 “Conservation and management measures shall be
6 based upon the best scientific information
7 available.

8 “If it becomes necessary to allocate, or assign,
9 fishing privileges among various fishermen, that
10 allocation shall be fair and equitable to those
11 fishermen, reasonably calculated to promote
12 conservation and carried out in a manner that
13 no particular individual, corporation, or other
14 entity, acquires an excessive share of the
15 privileges.

16 “Conservation and management measures shall
17 where practicable consider efficiency in the
18 utilization of fishery resources, but no
19 measure shall have economic allocation as its
20 sole purpose.

21 “Take into account and allow for variations
22 among and contingencies in fishery resources
23 and catches. Where practicable minimize costs
24 and avoid unnecessary duplication.

25 “Take into account the importance of the

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

6 "To the extent practicable, minimize bycatch
7 and to the extent that bycatch cannot be avoided
8 minimize the mortality of that bycatch and
9 promote the safety of human life at sea."

10 COMMISSIONER GOLLOTT: Mr. Chairman.

11 COMMISSIONER BOSARGE: Yes.

12 COMMISSIONER GOLLOTT: In the spirit of
13 compromise, nobody gets everything they want.

14 To me, if you put a five hundred, or a thousand,
15 foot barrier around Cat Island to wade fishing, we will be
16 right back to the way it was before somebody discovered
17 that you could go down there and raid these fish.

18 Yes, I think the commercial fishing people got
19 the raw end of the stick, when they came up with these
20 laws, but, to me, it would be a good compromise to do
21 this.

22 COMMISSIONER BOSARGE: I don't quite understand
23 the compromise.

24 COMMISSIONER GOLLOTT: To put five hundred, or a
25 thousand, feet off of the island for commercial fishing.

1 COMMISSIONER BOSARGE: Go ahead, Joe.

2 JOE JEWELL: Just a logistical thing right now.
3 I never got to the introduction of the presentation. At
4 which time, I would say this is a non-action item because
5 we have received the Administrative Procedures Act
6 requirement of ten, or more, requests for a public
7 hearing. It was removed as an action item on the agenda
8 and simply is an update.

9 The actual final adoption would be after the
10 public hearing scheduled for the 5th.

11 I just want to bring that to the Commission's
12 attention.

13 COMMISSIONER GOLLOTT: well, then, it's no sense
14 in going any further and killing time.

15 JOE JEWELL: well, I was going to give y'all an
16 update on the regulation process, the public comments and
17 where we are now.

18 COMMISSIONER GOLLOTT: well, that's something
19 through anyhow.

20 JOE JEWELL: If the Commission does not want to
21 hear the presentation.

22 COMMISSIONER HAVARD: I'm still not clear as to
23 why the State statute is not applicable in this case.

24 Clearly, the way the net is being used, unless
25 you've got scientific proof, or somebody has gone out

1 there and used some commonsense and just looked, the nets,
2 they are not being used as an entrapment net.

3 JOE JEWELL: I'm going to let counsel address
4 that question.

5 COMMISSIONER BOSARGE: Chief Davis, that would
6 fall on your feet. In other words, if what he says is the
7 truth and they are being used in the wrong way and they
8 are constructed in the wrong manner, then, it falls on you
9 to enforce it.

10 KEITH DAVIS: Can I wait for counsel to weigh
11 in, before I make comment?

12 COMMISSIONER BOSARGE: By all means.

13 SANDY CHESTNUT: I think what you are asking is
14 why the haul seine is not included under 49-15-78.

15 Correct?

16 COMMISSIONER HAVARD: That is correct.

17 SANDY CHESTNUT: Because traditionally the
18 agency has interpreted and treated the haul seines as an
19 entrapment and not an entanglement.

20 As the experts in the industry, the Commission
21 can say the haul seines are entanglements and should be
22 included, or they can say haul seines are entrapments and
23 they should not be included.

24 You guys have to decide which way this goes on
25 the haul seines. Should they be included. Should they

1 not be included.

2 That should be based on observations and
3 testimony and whatever else you can take, all the evidence
4 you can gather to determine if the haul seines are
5 actually entrapment, or an entanglement.

6 COMMISSIONER BOSARGE: I guess in defense of
7 that, I am probably the only one that could answer that
8 question because of the nature of my business, and I can
9 tell you it's not an entanglement piece of equipment.
10 It's an entrapment.

11 COMMISSIONER HAVARD: When is the last time you
12 fished one of these nets that they are fishing with, now?

13 COMMISSIONER BOSARGE: Probably back in 1996, or
14 so.

15 COMMISSIONER HAVARD: Prior to the new type
16 construction that these haul seine nets have been modified
17 to.

18 Is that correct?

19 COMMISSIONER BOSARGE: A haul seine is a haul
20 seine. That is a piece of equipment.

21 It would be like a shrimp net. There are five
22 thousand different variations of a shrimp net, but it's
23 still a shrimp net, different size mesh, different cuts in
24 the net, different depth in the wings. It is still a
25 shrimp net.

1 That is still a haul seine, as long as it is not
2 entangling. If it is entangling, once again...

3 COMMISSIONER HAVARD: I guess Chief Davis would
4 be the only one that can answer what he has seen out there
5 in the field, when he has observed these fishermen pulling
6 these nets in, retrieving the fish.

7 Chief, do you mind, or can you talk to that,
8 what you have observed out there with these current haul
9 seine nets that we have fishing?

10 KEITH DAVIS: We do have an issue here. We have
11 a legality issue, and I think what the Commission reserves
12 the right not to have to deal with is called the criminal
13 element.

14 Every fisherman who fishes with these nets does
15 not fish it correctly, and Marine Patrol is left with
16 enforcing that.

17 The problem we have is actually catching them in
18 the act of not fishing it correctly.

19 I can tell you that we have had at least one
20 prosecutor question the manner in which the language is
21 written and has issues with the actual prosecution of
22 those cases.

23 We do have an issue, and I agree with counsel.
24 The Commission is obligated to give us direction on what
25 it is.

1 Is it entanglement?

2 Is it entrapment?

3 I can give you my opinion, but I don't think
4 that matters. The decision has to come from that board,
5 but I can tell you this, we do have an issue.

6 Marine Patrol feels a certain way, and I think
7 it causes us a prosecution nightmare when we are trying to
8 enforce this fishery.

9 COMMISSIONER GOLLOTT: Mr. Chairman, can I make
10 a motion to try to clear a little bit of this up?

11 Let's see where we stand.

12 I make a motion that a haul seine is not an
13 entanglement net.

14 what else do we need straightened out?

15 JOE JEWELL: Well, if you make that motion and
16 the Commission passes that motion, what that means is it
17 would be considered under a trammel net and a gill net,
18 and they would be required to be a minimum of a half mile
19 off the shoreline.

20 SANDY CHESTNUT: Did you say it's not an
21 entanglement net?

22 COMMISSIONER BOSARGE: He said it's not an
23 entanglement net.

24 JOE JEWELL: I apologize.

25 SANDY CHESTNUT: So it would not fall under the

1 purview of 49-15-78?

2 JOE JEWELL: That's correct. The motion is that
3 it is not.

4 COMMISSIONER BOSARGE: Joe, because this is not
5 an action item -- you said it wasn't an action item -- can
6 we make a motion?

7 KEITH DAVIS: I would also ask that from a legal
8 standpoint in the criminal court, that the Commission be
9 very careful. I think there needs to be some more
10 discussion, before a motion like that is passed.

11 Counselor Chestnut.

12 SANDY CHESTNUT: What you are asking for is a
13 definition, or some parameters, of a haul seine so that we
14 understand what we are talking about?

15 KEITH DAVIS: Yes. I would just ask that the
16 Commission does not make a definition to make something
17 fit because you do have statute that you have to comply
18 with for us to successfully enforce the regulations.

19 COMMISSIONER GOLLOTT: I was just trying to move
20 this thing forward because we are just going over the same
21 thing over and over.

22 JOE JEWELL: The Commission may choose to wait
23 until after the public hearing on September the 5th, and it
24 might provide y'all with some more input from both user
25 groups on how to proceed.

1 Commissioner Gollott is correct. If the
2 Commission chooses, at this point, not to hear the
3 presentation I have prepared, that's the Commission's
4 determination.

5 It is going to be very similar to the final
6 adoption presentation I will give in September, anyway.

7 COMMISSIONER BOSARGE: I would like to see what
8 is presented at the public hearing.

9 COMMISSIONER GOLLOTT: Joe, let me make another
10 motion here. I will withdraw the previous motion.

11 I make a motion we not hear the update, until
12 after the public hearing.

13 JOE JEWELL: That will work for me.

14 COMMISSIONER BOSARGE: We have a motion.

15 Do we have a second for that motion?

16 (No response.)

17 COMMISSIONER BOSARGE: Hearing none, the motion
18 fails.

19 COMMISSIONER GOLLOTT: What are we going to do,
20 sit here and beat this thing up again?

21 COMMISSIONER BOSARGE: All the information we
22 can get is more information for everybody. We need to
23 educate folks, and this is where we are.

24 We started out with a one-mile haul seine
25 exclusionary zone around Cat Island, and, now, we have

1 gone from that to a haul seine period and whether it is a
2 legal piece of gear.

3 COMMISSIONER GOLLOTT: The last motion was just
4 to put this thing off until after the public hearing and
5 cut off the session right now.

6 JOE JEWELL: I know y'all don't want to hear me
7 go into this.

8 COMMISSIONER BOSARGE: Go ahead, Joe, just keep
9 it rolling.

10 JOE JEWELL: I will try to go through these as
11 quickly as I can. I will get back to the presentation.

12 COMMISSIONER BOSARGE: All right.

13 JOE JEWELL: We will go back to slide two from
14 K2. This simply was an explanatory issue.

15 As you know, this regulation applies solely to
16 commercial activities, and there was some discussion,
17 there was some comment from the public because the public
18 notice did not include commercial in it. It created
19 confusion for some people, so we went back and attached
20 commercial to the title.

21 All that did was simply complied with what the
22 discussion was at the July Commission meeting. It
23 complied with the Notice of Intent, the administrative
24 filing, the legal notice and the notice that was posted.
25 They all said "commercial".

1 The press relief didn't say commercial, so there
2 was some question why we did not include commercial, but
3 we did because it points out specifically Chapter 4 which
4 is the commercial section.

5 Then, there was an issue about finfish. I just
6 want to point out that it says "saltwater fish". That was
7 included because it specifically applies to just saltwater
8 fish, not other types of seafood product. We removed
9 that, also, because that was causing some confusion.

10 Then, finally, you see the large circle on the
11 right-hand side of the page. I just identified that
12 because later in the presentation that is what
13 specifically we are going to focus on.

14 The Commission passed the Notice of Intent on
15 July 17th. The Notice of Intent was filed with the
16 Secretary of State's office on July the 18th.

17 Public notice was published on our MDMR web page
18 on July the 19th.

19 Legal notice appeared in The Sun Herald on July
20 the 29th.

21 Public comment summary. I am trying to go
22 through this quickly. I do want to note that prior to the
23 closing of the public comment period which was 5:00 p.m.
24 yesterday evening, we received several more inputs.

25 One was Care2 petition. That's an online

1 commission that demands stronger protections for the
2 seagrass on Cat Island. There were a little over nineteen
3 thousand signatures to that petition that was submitted.

4 I do want to point out that this petition on
5 line was subject to inputs from everywhere. We have
6 people from all over the world commenting on this
7 particular issue.

8 Mississippi Commercial Fisheries United
9 submitted an additional eight signatures that are not part
10 of this presentation, but will be at the final adoption.

11 Then, there was one comment that was offered
12 around 7:00, or 8:00, o'clock which was clearly past the
13 deadline.

14 The comment period was for thirty-three days.
15 The minimum requirement is twenty-five.

16 To date, nine hundred and three public comments
17 have been received. That does not include those three
18 that I have just mentioned.

19 Seventy requests were made for a public hearing.
20 A public hearing was scheduled for Wednesday,
21 September the 5th, at 6:00 p.m., in the this room.

22 Seventy requests were made for an economic
23 impact statement to be conducted.

24 Summary of the public comments.

25 Nine hundred and three public comments were

1 provided.

2 Five hundred and seventy-one comments supported
3 the commercial net ban around Cat Island.

4 Three hundred and thirty-two comments opposed
5 the commercial net ban around Cat Island.

6 There were two groups that supported the ban,
7 HOSSFLY the historic Ocean Springs fly-fishing
8 organization and the Sierra Club.

9 One group opposes the ban and that is the
10 Mississippi Commercial Fisheries United organization.

11 Of the five hundred and seventy-one comments in
12 support of the commercial net ban, these are some of the
13 comments that were submitted:

14 Limit commercial fishing to weekdays - no
15 commercial fishing on the weekend.

16 Oppose commercial net fishing around Cat Island.

17 Support commercial hook-and-line fishing.

18 Ban all commercial nets in Mississippi.

19 Reduce the total numbers of haul seines and gill
20 nets.

21 Opposition to selling commercially-caught
22 Spotted Seatrout out of state.

23 Commercial hook-and-line should abide by the
24 same size and quantity limits as the recreational
25 fishermen and should not be allowed to sell over thirty

1 trout per day.

2 Require all commercial fishermen and seafood
3 markets to fill out and submit trip tickets.

4 Now, I wanted to bring this slide to the
5 Commission's attention.

6 There was an online petition that was supported
7 by the CCA on a website. There were a total of four
8 hundred and eighty-seven comments submitted to the agency
9 from this site, but with an analysis of these, there were
10 twenty-seven individuals that commented twice, nine
11 individuals commented three times, and one person
12 commented four times.

13 what I did was just an analysis for all the
14 duplicate comments. I subtracted those from the total,
15 and it came out to four hundred and forty-two, but the
16 Commission has the ultimate decision on what the number
17 is, four hundred and eighty-seven, or four hundred and
18 forty-two.

19 A speckled trout petition supporting the
20 commercial net ban was submitted on August the 16th. There
21 were a hundred and eighteen signatures. I think that was
22 the one that there was comment earlier about where it was.
23 I think there is a little bit of confusion. It was
24 submitted under the Cat Island Net Ban part, and it
25 specifically requests -- I have circled it up there --

1 these four items:

2 Ban all nets in Mississippi waters for the catch
3 and sell of speckled trout.

4 Commercial fishermen, rod-and-reel fishermen who
5 have the endorsement will keep the endorsement.

6 Commercial fishermen must abide by the same
7 limits as the recreational fishermen and may only sell
8 thirty Spotted Seatrout a day.

9 The fifty thousand pound quota would remain the
10 same.

11 This is a summary of those that oppose the
12 commercial net ban around Cat Island.

13 The first is a series of inputs from the
14 Mississippi Commercial Fisheries United.

15 On August the 6th, Ryan Bradley submitted
16 seventeen comments on a form letter and, again, on August
17 the 13th, submitted a form letter with thirty-eight
18 comments. On August the 20th, yesterday, Mr. Bradley again
19 submitted fourteen comments on an form letter, for a total
20 of sixty-nine comments from Mississippi Commercial
21 Fisheries United organization.

22 Those comments summarized are as follows:

23 They oppose the proposed fish net ban on Cat
24 Island.

25 Request an oral hearing be held on this proposed

1 regulatory change.

2 Request an economic impact statement be
3 conducted.

4 Request that the best available science be
5 considered with this proposal.

6 Again, we received a public comment opposing the
7 commercial net ban from the Mississippi Commercial
8 Fisheries United organizational statement.

9 That letter was about seven pages long, and I
10 just summarized the highlights of that public input:

11 Proposed change is not consistent with standards
12 for fishery conservation and management as required by
13 State statute 49-15-2.

14 No valid reason for the proposed regulation was
15 stated publicly.

16 The Notice of Intent for the proposed regulation
17 was not properly authorized by the Commission on Marine
18 Resources.

19 The approval of the Notice of Intent for the
20 proposed regulation is arbitrary and capricious.

21 The proposed regulation has a disparate impact
22 against a certain class of commercial fishermen, in
23 violation of the Fourteenth Amendment to the United States
24 Constitution.

25 Again, this is a petition that was submitted by

1 an online petition software. It is called Care2. It was
2 submitted by Mr. Ryan Bradley. There were a total of two
3 hundred and fifty-one signatures. It was submitted on
4 August the 20th.

5 Summarizing those comments:

6 where is all the data for closing these waters?

7 My guess is there is no data.

8 Because I'm a fisherman in Mississippi, I
9 support my family with my boats and this would put a
10 burden on my income.

11 We need commercial fishing to stay here in the
12 USA and provide America with our fish. Keep the nets.

13 CCA is the enemy of hardworking commercial
14 fishermen. They won't be happy until all seafood is
15 imported.

16 Then, a summary of the public comments opposing
17 the net ban, and these are the ones that were just
18 submitted directly to the DMR in writing:

19 would like the MDMR to take into consideration
20 that this would have a large financial impact on the local
21 economy.

22 No scientific basis to support this action and
23 it is purely discriminatory.

24 If CMR is truly concerned about Spotted Seatrout
25 on Cat Island, they should conduct a scientific survey to

1 determine how each user group impacts Spotted Seatrout on
2 Cat Island.

3 will have great economic impact on commercial
4 fishermen and the local economy.

5 This action will reallocate resource from one
6 user group to another.

7 Recreational fishermen have it all and, now,
8 they want to take away Cat Island.

9 If enacted, will further reduce commercial
10 fishermen's area to fish.

11 Finds it highly discriminatory as a net
12 fishermen, when other commercial activities can continue,
13 such as charter fishing, rod-and-reel fishing, crabbing
14 and shrimping.

15 Has large investment in commercial gear, boats,
16 motors, and on and on.

17 This is the proposed section of the regulation
18 that would be modified. It falls under Title 22 Part 5
19 Chapter 4 and, like I said earlier in my opening comments,
20 it affects solely the commercial net closure areas and
21 gear size restrictions. It would modify Section 101,
22 subsection 101.04:

23 "within an area formed by a line running one
24 mile from the shoreline of" -- and it would
25 delete 'Cat Island' and continue on and include

1 -- "Ship, Horn, Petit Bois, and Round Island, or
2 from the shoals of Telegraph Keys and Telegraph
3 Reef, Merrill Coquille, during the period of May
4 15 to September 15 of each year."

5 So what that is doing is removing Cat Island
6 from that opening and closing between May and September of
7 each year, and, then, it adds another statement, and that
8 statement be numbered 101.05:

9 "Within an area formed by a line running one
10 mile from the shoreline of Cat Island."

11 That means that Cat Island would no longer be
12 open at any point during the year, and all commercial net
13 fishing as defined in the opening statement would be
14 banned from within one mile of the shoreline.

15 COMMISSIONER BOSARGE: Hold on just a minute,
16 Joe. I want to clarify that for Commissioner Gollott
17 because he wasn't here.

18 Right now, Cat Island is closed seven months out
19 of the year for commercial net fishing. Right now.
20 Today.

21 Then, what he would be changing would be to
22 close it for the remaining five months.

23 Correct?

24 JOE JEWELL: That's correct. This proposed
25 regulation would do that.

1 COMMISSIONER GOLLOTT: Can I ask a question?

2 JOE JEWELL: Absolutely.

3 COMMISSIONER GOLLOTT: Does anybody in this room
4 think listening to this has changed anybody's mind on this
5 Commission?

6 It sure hasn't changed mine.

7 We've got so much stuff to go over here, and we
8 are going to have to listen to it again.

9 JOE JEWELL: Commissioner Gollott, I'm not going
10 to argue that point. I absolutely think that the people
11 that represent specific user groups, the recreational,
12 commercial and the charter boat fishing for hire, the
13 processing, the commercial people, you have heard from
14 your constituents and they have explicitly supported, or
15 not supported, this proposed regulation. It would be
16 disingenuous for me to stand up here and say otherwise.

17 You have to represent your user groups, but I
18 also want to explain to the Commission that -- and I have
19 said this before at other Commissioner meetings -- I think
20 hearing from the public, hearing from the staff, hearing
21 the science, informs the Commission and the Commission
22 makes better decisions.

23 Now, in saying that, I do think it is helpful to
24 hear what the public has to say. I personally have heard
25 a lot of comments.

1 will that change the Commissioners' minds, or
2 will that change eventually the way we handle this
3 proposal, I can't say that.

4 COMMISSIONER GOLLOTT: You are going to listen
5 to the public's concern at the public hearing, and all of
6 this will have to be gone over again.

7 Like I said, we've got so much stuff on this
8 agenda, that it is silly sitting here listening.

9 If everybody wants to sit here and listen to it,
10 that's fine, but it is changing nobody's mind on this
11 Commission. I guarantee you.

12 JOE JEWELL: But it is part of the regulatory
13 process, and we do have to go through that process.

14 with that being said, there are just a couple
15 more slides.

16 This slide is simply renumbering all the
17 sections.

18 COMMISSIONER BOSARGE: We have some folks that
19 want to speak on public comment on this issue.

20 Do we have any questions for Joe?

21 (No response.)

22 COMMISSIONER BOSARGE: We are going to hold the
23 comments to three minutes.

24 First up will be Mr. F. J. Eicke.

25 Mr. Eicke declines.

1 Mr. Tony Trapani, would you like to speak on it?

2 TONY TRAPANI: Yes.

3 How are y'all doing?

4 COMMISSIONER BOSARGE: Doing fine, sir.

5 TONY TRAPANI: We've got a real problem with
6 speckled trout.

7 COMMISSIONER BOSARGE: State your name, please.

8 TONY TRAPANI: There is a problem out there.
9 There are no more speckled trout like there used to be.

10 You keep on putting them nets out there and
11 there is not going to be any reason for them to keep
12 netting because there are not going to be any more trout.
13 They will need to find a new job anyway.

14 Change the nets to hook and line, and they can
15 stand there and wade fish right next to us.

16 The net just takes so many fish away at one
17 time. There is no way the trout can come back.

18 Get rid of the nets and put a rod and reel in
19 their hands.

20 There's a problem. Let's fix it.

21 I'm a recreational guy. I say we go to ten
22 trout per person. One trout twenty-five inches and above.
23 Just in case one of those big trout got out of that net,
24 we might catch it.

25 Ten trout per person recreational. I'm willing

1 to give up.

2 If you want to catch more trout and you want to
3 keep your job, limit that, too.

4 I'm not saying take the fifty thousand pounds
5 away. Put a rod and reel in their hand, and let's see how
6 many thousands of pounds they can catch.

7 I will be willing to speak as a voice of a
8 recreational fisherman that we don't care if we catch five
9 trout per day. We want to catch a trout.

10 with these nets, you are not going to catch a
11 trout.

12 Thank you very much.

13 I really would appreciate y'all doing something
14 about this, instead of saying, well, it's entanglement,
15 it's entrapment. It doesn't matter what it is. It is
16 depleting the speckled trout is what it really is.

17 COMMISSIONER BOSARGE: Thank you, sir.

18 Sicily O'Brien.

19 SICILY O'BRIEN: Commissioners, my name is
20 Sicily O'Brien. I'm a little bit nervous.

21 I kind of want to say I take a little offense to
22 Commissioner Gollott's comments about the hoodlums from
23 Jackson County fishing at Cat Island. I do personally
24 take offense to that.

25 I'm a full-time commercial fisherman, and I just

1 want to point out how very hard we work as commercial
2 fishermen.

3 Just like you, we wake up and we prepare for our
4 day, but, while you might wake up and drink a cup of
5 coffee and maybe you read the paper before you drive
6 somewhere work, we wake up and we check the weather
7 forecast, to ensure our safety on the water, make
8 breakfast and lunch and grab our boots, our slippers and
9 our gloves, and head out before the sun even rises.

10 Our days are very long, hard, physically
11 challenging ones.

12 We fish in the winter's harsh cold and the
13 summer's heat. It's a hard way to make a living, but one
14 we love.

15 We are the ones who put that fresh fish on a
16 plate you order at your favorite restaurant, or on the
17 plate of the person in Tennessee who takes his sweetheart
18 out for a seafood dinner, on the shelves of markets across
19 the country labeled as fresh American caught seafood,
20 providing for the millions of Americans who are not able
21 to fish for themselves.

22 By limiting the area where we are able to fish
23 with this one-mile exclusion zone around Cat Island, not
24 only are you creating a tremendous negative impact on our
25 income, but you are also taking away our ability to

1 provide fresh seafood for the American consumer.

2 We, as commercial fishermen, don't have the same
3 luxury that the recreational fisherman has. He, with a
4 very large quota, can fish year round at Cat Island, or
5 any other island for that matter.

6 whereas, we, with a very small quota, can only
7 fish Cat Island months out of the year and, as you know,
8 once our quota is met, we are finished until next year.

9 It my job. It is my livelihood. It's how I pay
10 my bills and provide for my family that is at risk here.

11 I'm asking you to consider all of this, before
12 making your decision about Cat Island exclusion zone.

13 Everybody in this room knows that it is
14 impossible to catch a fish outside of that one-mile zone.
15 Thank you.

16 COMMISSIONER GOLLOTT: Excuse me, ma'am.

17 SICILY O'BRIEN: Yes, sir.

18 COMMISSIONER GOLLOTT: Let me apologize. I
19 didn't mean to make that personal, or anything.

20 The people who were caught going to Alabama with
21 the fish and not turning the quota in were from Jackson
22 County.

23 For years the rogues in the oyster industry and
24 everything else have been from Jackson County.

25 I will apologize to you. I didn't mean that

1 personally.

2 SICILY O'BRIEN: Well, Thank you because we do
3 work very hard and we do abide by the law. We don't have
4 a ticket. We try to do everything by the book. That's
5 just the way we operate.

6 It is unfair to categorize everybody into one
7 group.

8 We are not illegal. We fish hard.

9 COMMISSIONER GOLLOTT: You're right and, if
10 everybody was like you and followed the law, we wouldn't
11 be having a problem. Thank you.

12 SICILY O'BRIEN: Well, I ask that you take that
13 all into consideration.

14 COMMISSIONER BOSARGE: Thank you.

15 Mr. Martin Young.

16 MARTIN YOUNG: Good morning Commissioners.

17 COMMISSIONER BOSARGE: State your name, please.

18 MARTIN YOUNG: My name is Martin Young. I'm a
19 lifelong, lifetime, full-time commercial fisherman, net
20 fisherman.

21 I have relied on nets for my survival to feed my
22 family my whole life, since I was married. This is hard
23 for me.

24 I fished them seines for sixteen to eighteen
25 years, before any of this started. I know what a haul

1 seine is because I have built them with my hands and used
2 them. Since the ban in '98, we were not allowed to use a
3 gill net no more, and I never have had a cotton net, ever.

4 That was passed and it wasn't available. I was
5 a net fisherman with no job, unemployed and was forced to
6 start haul seine fishing.

7 what y'all are trying to do here about Cat
8 Island, y'all have had no scientific data, y'all have had
9 no studies done, and you are wanting to take away
10 something that y'all all have admittedly set up there and
11 said you don't even know what it is.

12 well, I know what a haul seine is because I have
13 lived the haul seine. I know what one is.

14 If you want to see one, I can put it in my truck
15 and bring it to that front door, when y'all have this
16 public hearing, and I will show y'all what a haul seine
17 is.

18 The one of you who made the motion to do this to
19 start with, I think he was wrong. You have no kind of
20 science, or nothing to back up what you have done here,
21 and I don't even think it should even be considered, or
22 being considered at all right now. It should not.

23 As far as like this guy who just left here
24 saying he couldn't catch a trout, well, he's got Petit
25 Bois, Horn Island, Ship Island, Round Island, he's got all

1 of Harrison and all of Hancock Counties, and all I've got
2 is a little speck of Jackson County and Cat Island and
3 y'all are wanting to take that. I have nothing left.

4 I can't talk no more. Y'all are destroying my
5 life.

6 COMMISSIONER BOSARGE: I have known that man all
7 my life and to see him that upset, that gets me because
8 I'm going to tell you he's a good man. He works hard. He
9 works for his living. All he wants to do is make a
10 living. Anyhow, that upsets me.

11 Tommy O'Brien.

12 You don't realize most fishermen are loaners.
13 We work by ourselves and, just for him to get up there and
14 speak before the public, that's tough. That's tough.
15 They are used to working by themselves. Their only
16 challenge is between them and mother nature.

17 TOMMY O'BRIEN: My name is Tommy O'Brien. I
18 have been commercial fishing for thirty-eight years,
19 mainly net fishing.

20 My wife and I were first to approach and ask
21 Chief of Marine Patrol at the time if it was legal for us
22 to fish on Cat Island after the state purchased it, and we
23 were told yes.

24 After hearing this, we had two new net boats
25 built, put new motors on them, built nets specifically for

1 fishing Cat Island. All of these nets were approved and
2 tagged by the DMR. We invested a tremendous amount of
3 money in these boats, nets and gear.

4 Being told we cannot fish on the beach at Cat
5 Island and that we must be a mile off where the fish are
6 not located, will be the end for us.

7 After saying this, who would be responsible to
8 pay us for our boats, nets and gear that we can't use
9 anymore and our loss of income, and how is it legal to ban
10 one small group of commercial fishermen and yet allow
11 others to continue the commercial activities and make a
12 living doing it, without any scientific data.

13 while reading The Sun Herald this past Sunday, I
14 came across a photo of a small group of black people being
15 chased off the Biloxi beach by a group of white people,
16 some of them with clubs. The date was April 24th, 1960.

17 Fast forward this to August 21st, 2018, fifty-
18 eight years later, and here we are, a small group of
19 commercial fishermen being chased off Cat Island, but this
20 time, with lies, false information and no scientific data
21 and the agenda of the CCA.

22 By allowing this one-mile exclusion zone around
23 Cat Island, you are allowing the same type of
24 discrimination to take place that took place on the Biloxi
25 beach. Thank y-all.

1 COMMISSIONER BOSARGE: Thank you, Mr. O'Brien.
2 That concludes our public testimony.

3 JOE JEWELL: If there are no further questions,
4 I am going to move on to agenda item K3.

5 COMMISSIONER BOSARGE: Yes, sir, by all means.
6 We are having some technical difficulties. We
7 are going to have to reboot a computer.

8 Can we take a quick five-minute break?

9 JOE JEWELL: Absolutely.

10 MEETING STANDS IN RECESS

11 COMMISSIONER BOSARGE: I will call this meeting
12 back to order and see if we can't finish this up.

13 JOE JEWELL: Are we ready to proceed?

14 COMMISSIONER BOSARGE: Yes, sir, Mr. Joe

15 JOE JEWELL: As the Commission should recall,
16 this was initially proposed at the June 19th Commission
17 meeting.

18 At the July 17th Commission meeting, I did the
19 presentation for the Notice of Intent, and the commission
20 tabled this action at that time so they could consider
21 more of the details about the proposal.

22 This will be modifications to Title 22 Part 20
23 Chapter 21, Administrative Penalties, Section 104.

24 Before we go into this, I want to point out that
25 at the July Commission meeting, there were two ways to

1 approach this issue. One is specifically just for the
2 Spotted Seatrout endorsement which is in Chapter 7, or all
3 endorsements, and the Commission chose to consider, at
4 this time, all potential violations of the endorsement.

5 So that would modify Section 104, Part 20, and
6 it's suspension, or revocation, of licenses. It would
7 delete the conjunction so that it would read:

8 "Licenses, permits, or endorsements may be
9 commenced in addition to seeking administrative
10 penalties."

11 We would add the Section 105,

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

17 Now, before we move on to any motion, I want to
18 describe to the Commission sort of the intent of potential
19 revocation.

20 I feel that this applies and what it would
21 impact mostly is those people that are not abiding by the
22 rules, that are not abiding by the provisions that are
23 established in State statute and in the Commission's
24 regulations.

25 This would not harm the law-abiding commercial

1 fishermen, as you have heard comments today, that are
2 doing what is required of them on a day-in and day-out
3 basis.

4 what this will impact is those individuals that
5 choose not to abide by the rules that are established for
6 that particular industry. It applies to those individuals
7 that we had issues with in previous months that Marine
8 Patrol Chief Davis has described. This will impact them.
9 This will cause conditions to happen to them that are
10 adverse and require them to comply, like everybody else
11 is, with the rules and regulations.

12 I wanted to make that clear, before we move on,
13 because I think at the last Commission meeting that was a
14 little unclear.

15 Are there any questions, at this time?

16 COMMISSIONER BOSARGE: Do we have any questions
17 for Mr. Joe?

18 KEITH DAVIS: I have one question, if I may, Mr.
19 Chairman.

20 COMMISSIONER BOSARGE: Yes, sir, Chief.

21 KEITH DAVIS: who would bring this action
22 forward?

23 would it be Fisheries, or would it be Marine
24 Patrol?

25 JOE JEWELL: By forward, what do you mean?

1 KEITH DAVIS: For the Commission to consider
2 this, Sandy, I have not had discussion. I don't know
3 anything about this regulation change.

4 SANDY CHESTNUT: This was proposed at the July
5 meeting.

6 what this is, is a change to the administrative
7 penalties and, in addition, to be able to fine the
8 fishermen that violate the law.

9 The Commission would also have the authority to
10 revoke their endorsements. This just adds another thing
11 that they can do.

12 The agency issues the endorsements, permits,
13 tags, things like that, but they haven't included any kind
14 of provision to be able to revoke those, when those people
15 violate and have egregious violations, using those
16 endorsements.

17 That is what this is adding.

18 JOE JEWELL: I'm a little confused. I do want
19 to say we had internal meetings where this actual specific
20 subject came up, and Marine Fisheries was advised to move
21 forward by the Marine Commission.

22 It actually came up. I presented it originally
23 in the June meeting. I presented it in the July meeting,
24 when it was tabled, and, then, now for consideration by
25 the Commission.

1 SANDY CHESTNUT: Joe, in the July meeting, we
2 discussed including language that would revoke all
3 endorsements, not just the Spotted Seatrout.

4 JOE JEWELL: And if it was just the Spotted
5 Seatrout, we would be modifying Part 7.

6 This is modifying Part 21 where it would
7 consider all.

8 SANDY CHESTNUT: But you still have revoked
9 Spotted Seatrout endorsement in the language.

10 COMMISSIONER BOSARGE: That was going to be my
11 question.

12 JOE JEWELL: So if the motion was to move
13 forward, the Notice of Intent would be to remove Spotted
14 Seatrout and just move forward with the endorsement and
15 say, endorsements under certain conditions.

16 KEITH DAVIS: Director Spraggins, can I have a
17 word with you, before they take any action on this?

18 JOE SPRAGGINS: what?

19 KEITH DAVIS: Can you and I have a sidebar,
20 before action is taken on this?

21 JOE SPRAGGINS: Okay.

22 COMMISSIONER BOSARGE: We can go ahead and
23 proceed and just not vote on it.

24 COMMISSIONER GOLLOTT: What kind of a motion
25 would have to be made to do this, Joe?

1 JOE JEWELL: That motion would be a motion for
2 Notice of Intent to modify Title 22 Part 20 Chapter 21
3 Section 104, including language to revoke endorsements
4 under certain penalties.

5 Are you going to put all the requirements in
6 there?

7 SANDY CHESTNUT: We need to remain consistent
8 with what was proposed in the July meeting such as, but
9 not limited to, endorsements, tags, permits, or similar
10 provisions, for violations related to that particular
11 program.

12 JOE JEWELL: So, after Section 104, we are going
13 to cut and paste in the specific regulatory changes that
14 are in Section 105.

15 COMMISSIONER BOSARGE: To move forward, would we
16 need a motion on this?

17 JOE JEWELL: She is going to update it.

18 SANDY CHESTNUT: We are going to put the exact
19 language up on the board.

20 JOE JEWELL: Typically what we have done in the
21 presentations, we have done a generalized requirement so
22 that the Commission can say, approved staff's
23 recommendations, but, in doing that, that is such a
24 generic approval, what we've done is, rather than
25 referencing the action which is Notice of Intent, or final

1 adoption, what we have done is specifically put in the
2 title and part and the specific summary of actions that
3 would occur, so that the Commission could say we approve
4 staff's recommendation.

5 The motion could say that, or the Commission
6 could read it directly as is on the presentation.

7 what sandy was pointing out, this particular
8 motion was presented at the July meeting that specifically
9 addressed Chapter 7, and that would be only for the
10 Spotted Seatrout endorsement, but the Commission wanted to
11 consider all endorsements because you had two options on
12 the table.

13 what sandy is requesting, or stating, is that
14 she wants this specific language for all endorsements put
15 in there and not just Spotted Seatrout.

16 So they are making that change, now. Once that
17 is done, I will read that into the public record for the
18 Commission's consideration.

19 JOE SPRAGGINS: If I could real quick?

20 COMMISSIONER BOSARGE: Yes, sir.

21 JOE SPRAGGINS: I think the question that the
22 Chief had, this is basically giving the Commission itself
23 the right to revoke anybody's endorsement of something
24 that they had which they did not have before.

25 Is that correct?

1 COMMISSIONER BOSARGE: Correct.

2 JOE SPRAGGINS: So that's what this is all
3 about.

4 COMMISSIONER BOSARGE: This would be part of the
5 administrative penalties.

6 JOE SPRAGGINS: That's right.

7 COMMISSIONER GOLLOTT: I believe the Commission
8 needs this authority so we can get rid of some of these
9 rogues that keep breaking the law.

10 JOE JEWELL: I want to address Chief Davis'
11 concerns. I want to be sure I'm clear on that because I
12 don't want to misstate what we said.

13 KEITH DAVIS: Joe, we're good now. You don't
14 have to address it anymore.

15 JOE JEWELL: I want to be sure we are all on the
16 same table. I don't want it to seem like we are operating
17 in a vacuum here, and we all are aware of this and we
18 approve it.

19 This simply would address those fishermen, or
20 those individuals, that are part of the commercial
21 community that violate the law and there is no real action
22 that Marine Patrol can take against them.

23 The Trip Ticket Program, we are making
24 modifications for that.

25 Other than just violation, we can't take any

1 other penalties against them. We've got some individuals,
2 we've got a group of them that consistently violate the
3 law, and all you can do is write them a ticket.

4 This will give the Commission the ability to
5 take away that endorsement, or any other type permit, or
6 certification, they have, if they are bad participants in
7 the industry. It's a Commission action that would occur.

8 I want to be clear about that because at the
9 last Commission meeting, when I read out the eight
10 requirements that would change, I think that's what
11 started the issue about discussion was unclear and the
12 Commission wanted more time to review that.

13 The intent of this regulation is really to
14 punish the bad actors.

15 COMMISSIONER BOSARGE: Correct.

16 JOE JEWELL: Not the people that abide by the
17 laws.

18 SANDY CHESTNUT: We have the revised motion up
19 there. It's a motion for Notice of Intent for
20 modification of Title 22 Part 20 Chapter 21 Section 1, to
21 include endorsements under certain penalties, and, then,
22 it would add Section 105 to read that the Commission may
23 revoke regulatory program requirements such as, but not
24 limited to, endorsements, tags, permits, or similar
25 provisions for violations related to that particular

1 program.

2 COMMISSIONER GOLLOTT: Mr. Chairman, I make that
3 motion.

4 COMMISSIONER DANIELS: I'll second it.

5 COMMISSIONER BOSARGE: We have a motion and a
6 second.

7 Any further discussion?

8 (No response.)

9 COMMISSIONER BOSARGE: All those in favor aye.
10 (All in favor.)

11 COMMISSIONER BOSARGE: Opposed like sign.
12 (None opposed.)

13 COMMISSIONER BOSARGE: Motion carries.

14 JOE JEWELL: Thank you, Commissioners.

15 Up for consideration for final adoption is the
16 Hand Dredge specifications. It will be presented by Mr.
17 Erik Broussard.

18 ERIK BROUSSARD: Good afternoon Commissioners,
19 Director Spraggins, Ms. Chestnut.

20 As Mr. Joe had mentioned, we have up for final
21 adoption Title 22 Part 1 Chapter 7, Hand Dredge
22 Specifications.

23 CMR passed Notice of Intent on July 17th, 2018.

24 It was filed with the Secretary of State's
25 office on July 18th. A copy of the filing is on the right

1 side.

2 It was posted on the MDMR web page on July 19th.
3 The legal notice appeared in The Sun Herald on
4 July 29th.

5 Public comment period ran from June 19th through
6 August 20th, which was thirty-three days.

7 To date, no public comments have been received.

8 I will read into the record Title 22 Part 1
9 Chapter 7, Section 101:

10 "It is unlawful for any person, firm, or
11 corporation to take, or attempt to take, any
12 oysters from the waters under the territorial
13 jurisdiction of the State of Mississippi by the
14 use of a hand dredge using a mechanical-
15 advantage retrieval system, having a weight in
16 excess of forty pounds and the tooth bar cannot
17 have more than ten teeth of not more than five
18 and one quarter inches, unless otherwise
19 permitted by the MCMR, or as hereby authorized
20 by the MDMR, its Executive Director, Director of
21 Marine Fisheries, Bureau Director, Program
22 Coordinator, or other MDMR designee."

23 Then, here, we added an additional section, and
24 this is just for numbering.

25 what will be required is a motion for final

1 adoption of regulatory changes to Title 22 Part 1 Chapter
2 7, Hand Dredge Specifications.

3 COMMISSIONER BOSARGE: Any questions?

4 (No response.)

5 COMMISSIONER BOSARGE: Do we have a motion to
6 adopt the regulatory changes?

7 COMMISSIONER DANIELS: I will make a motion for
8 final adoption of regulatory changes to Title 22 Part 1
9 Chapter 7.

10 COMMISSIONER GOLLOTT: And I will second it.

11 COMMISSIONER BOSARGE: We have a motion and a
12 second.

13 Any further discussion?

14 (No response.)

15 COMMISSIONER BOSARGE: All those in favor aye.

16 (All in favor.)

17 COMMISSIONER BOSARGE: Opposed like sign.

18 (None opposed.)

19 COMMISSIONER BOSARGE: Motion carries.

20 JOE JEWELL: Thank you, Commissioners.

21 Up next for consideration is Title 22 Part 7
22 Chapter 9, Commercial Size Limit Change for Gag, and Ms.
23 Carly Somerset will present that.

24 CARLY SOMERSET: Good afternoon Commissioners,
25 Director Spraggins, Ms. Chestnut. I will make this brief.

1 For your consideration is modification to Title
2 22 Part 7 Chapter 9. This is Notice of Intent.

3 This is the rule to modify the Gulf of Mexico
4 Gag management measures which was published in NOAA Gulf
5 of Mexico Fishery Bulletin on June 22nd, 2018.

6 The modification will be to Title 22 Part 7
7 Chapter 9, Commercial Size, Possession and Catch Limits,
8 Section 100 Subsection 100.18. Gag Grouper, will change
9 from twenty-two to twenty-four inches total length.

10 What is required is a motion for Notice of
11 Intent to amend Title 22 Part 7 Chapter 9 Section 100
12 Subsection 100.18, Commercial Size Limit for Gag.

13 COMMISSIONER BOSARGE: This will be strictly
14 just to keep our regulations in sync with the Federal
15 regulations?

16 CARLY SOMERSET: Yes, sir.

17 COMMISSIONER BOSARGE: Do we have any questions?
18 (No response.)

19 COMMISSIONER BOSARGE: Do we have a motion?

20 COMMISSIONER GOLLOTT: Mr. Chairman, I make a
21 motion that we adopt this change to the regulations.

22 COMMISSIONER BOSARGE: Do we have a second for
23 that motion?

24 COMMISSIONER HAVARD: I'll second the motion.

25 COMMISSIONER BOSARGE: We have a motion and a

1 second.

2 All those in favor aye.

3 (All in favor.)

4 COMMISSIONER BOSARGE: Opposed like sign.

5 (None opposed.)

6 COMMISSIONER BOSARGE: Motion carries.

7 CARLY SOMERSET: Thank you.

8 COMMISSIONER BOSARGE: Thank you, Carly.

9 JOE JEWELL: Next up for the Commission's
10 consideration is a very similar proposed change. This is
11 to commercial and recreational bag and size limit changes
12 for Mutton Snapper. Ms. Brittany Chudzik will be
13 presenting this.

14 BRITTANY CHUDZIK: Good afternoon Commissioners,
15 Director Spraggins, Ms. Chestnut.

16 welcome back Richard. As others have said, we
17 are glad that you are now in remission.

18 This is an action item for regulatory change to
19 Title 22 Part 7 Chapters 8 and 9.

20 Recently NOAA announced a regulatory change to
21 Mutton Snapper for both commercial and recreational
22 fishermen.

23 This is a copy of the notice that was received
24 here at the DMR on July 22nd, 2018.

25 This management measure would decrease the bag

1 limit for recreational fishermen and increase the size
2 limit for Commercial and recreational fishermen.

3 These regulations went into effect on July 23rd,
4 2018.

5 In order to keep consistent with State and
6 Federal management, as was mentioned with the Gag, changes
7 would need to be made to Title 22 Part 7 Chapter 8 that
8 deal with recreational bag, possession and size limits.

9 This would only be additional language. No
10 deletions will be made.

11 For the record, Section 100, Subsection
12 100.11.02 would read:

13 "Mutton Snapper - may possess five within the
14 ten fish aggregate."

15 Section 102, Subsection 102.06:

16 "Mutton Snapper - eighteen inches total length."

17 Change to Subsection 102.06 would also require
18 the renumbering of 102.07 through 102.25, and I'm not
19 going to read all of those into the record, unless the
20 Commission chooses that I do so.

21 COMMISSIONER BOSARGE: No, ma'am.

22 BRITTANY CHUDZIK: Chapter 9 deals with
23 commercial size, possession and catch limits.

24 with the changes, we would have to strike
25 through sixteen, in Subsection 100.11, and for the record

1 it would now read:

2 "Section 100, subsection 100.11, Mutton Snapper
3 - eighteen inches total length."

4 what this would require is a motion for a Notice
5 of Intent to amend Title 22 Part 7 Chapter 8 and Chapter
6 9, Section 100, Bag and Size Limit for Mutton Snapper.

7 COMMISSIONER BOSARGE: Any questions?

8 (No response.)

9 COMMISSIONER BOSARGE: Do we have a motion?

10 COMMISSIONER DANIELS: I'll make the motion for
11 Notice of Intent to amend Title 22 Part 7 Chapter 8 and
12 Chapter 9.

13 COMMISSIONER BOSARGE: I'll second that motion.

14 Any further discussion?

15 (No response.)

16 COMMISSIONER BOSARGE: All those in favor aye.

17 (All in favor.)

18 COMMISSIONER BOSARGE: Opposed like sign.

19 (None opposed.)

20 COMMISSIONER BOSARGE: Motion carries.

21 BRITTANY CHUDZIK: Thank you, Commissioners.

22 COMMISSIONER BOSARGE: Thank you.

23 JOE JEWELL: Commissioners, this is the
24 presentation we have all been waiting months to hear.

25 Ms. Ruth Posadas is going to give us an update

1 on oyster depuration.

2 COMMISSIONER GOLLOTT: Ruth, have you got enough
3 time?

4 We can put this off until next month.

5 RUTH PASADAS: That will be fine, sir.

6 I know you are all hungry. We are all hungry.

7 JOE JEWELL: You will have to vote to table it.

8 We absolutely can do it.

9 RUTH PASADAS: Yes.

10 COMMISSIONER GOLLOTT: I make a motion that we
11 table this until next month.

12 COMMISSIONER BOSARGE: We have a motion on the
13 floor.

14 Do we have a second for that motion?

15 COMMISSIONER HAVARD: I'll second that motion.

16 COMMISSIONER BOSARGE: We have a motion and a
17 second.

18 All those in favor aye.

19 (All in favor.)

20 COMMISSIONER BOSARGE: Opposed like sign.

21 (None opposed.)

22 COMMISSIONER BOSARGE: The motion carries.

23 Don't disrespect anything, now. We are looking
24 forward to your presentation.

25 RUTH PASADAS: I know. That's fine with me.

1 COMMISSIONER BOSARGE: We are looking forward to
2 it. We keep seeing your face. We will get you up here.

3 RUTH PASADAS: Yes, sir.

4 COMMISSIONER BOSARGE: Thank you.

5 JOE JEWELL: The final thing for consideration,
6 the state records, will be presented by Ms. Brittany
7 Chudzik.

8 BRITTANY CHUDZIK: Up for your consideration
9 today we've got three new state saltwater fishing records.

10 The first is a conventional tackle record Tiger
11 Shark, Galeocerdo cuvier. The old record was three
12 hundred and ninety pounds, and the new record is six
13 hundred and seventy-five pounds. The angler is Mr.
14 Michael Garrett.

15 Here's a picture of the monstrous Tiger Shark,
16 and the fish with the angler.

17 The second record is a youth record. Red Drum,
18 Sciaenops ocellatus. There is no current record. The new
19 record would be twenty-six pounds eight ounces. The
20 angler is Margaret Schindler.

21 Here's a picture of the Red Drum, and the angler
22 with the fish.

23 The last record we have today is also a youth
24 state record, Striped Burrfish, Chilomycterus schoepfii.
25 The new record would be one pound five point six two

1 ounces. The angler is Mr. Kyson Blocker.

2 Here is a picture of the Burrfish, and the fish
3 with the angler.

4 COMMISSIONER GOLLOTT: Mr. Chairman, I make a
5 motion that we accept these new state records.

6 COMMISSIONER BOSARGE: We have a motion.

7 Do we have a second for that motion?

8 COMMISSIONER HAVARD: I'll second the motion.

9 Any further discussion?

10 (No response.)

11 COMMISSIONER BOSARGE: All those in favor aye.

12 (All in favor.)

13 COMMISSIONER BOSARGE: Opposed like sign.

14 (None opposed.)

15 COMMISSIONER BOSARGE: Thank you.

16 BRITTANY CHUDZIK: Thank you.

17 COMMISSIONER BOSARGE: Is there any other
18 business?

19 (No response.)

20 COMMISSIONER BOSARGE: We have two people that
21 would like to speak in public comment.

22 COMMISSIONER GOLLOTT: We have K9.

23 COMMISSIONER BOSARGE: I'm sorry. You're right.
24 We've got Tails n' Scales, Mr. Joe, an update.

25 JOE JEWELL: I'm sorry. I wasn't prepared.

1 COMMISSIONER BOSARGE: It slipped my mind.

2 JOE JEWELL: I wasn't prepared to do a
3 presentation, or anything.

4 It's my understanding the Commission wants to
5 consider a proposal to require the Tails n' Scales Program
6 to consider another species, Spotted Seatrout, as far as
7 the monitoring program.

8 My understanding is the commission wants to have
9 some discussion about that, on how to proceed.

10 COMMISSIONER GOLLOTT: Let me say this. There
11 is a lot of bogus information on speckled trout and I
12 think we need to get to the bottom of it.

13 I think Director Spraggins told me somebody has
14 us down for seven millions pounds of speckled trout
15 landings, recreational, this year.

16 Is that correct?

17 JOE SPRAGGINS: I think it's five million.

18 JOE JEWELL: It's still way more.

19 The largest the recreational community has
20 landed, to my knowledge, is just a little over two million
21 pounds, and that was a couple of years ago.

22 COMMISSIONER GOLLOTT: I think we need Tails n'
23 Scales for a year, or two, if nothing else, to get the
24 truth.

25 I think Tails n' Scales would straighten it out

1 for everybody, commercial, recreational.

2 Let's find out where the fish are being landed,
3 who is landing them and that kind of stuff.

4 That's my opinion.

5 JOE JEWELL: I want to make a statement, before
6 we do that, because I want the Commission to go into this
7 with a clear understanding.

8 The Tails n' Scales Program now works best with
9 the reef fish community, snapper and grouper and things
10 like that, because it's a community that it requires you a
11 boat to have access to it, so that limits the number of
12 participants and population that is exploring the
13 resource. It's a resource that is relatively offshore.
14 There is a relatively small group of people that are
15 targeting. Red Snapper is the only one that is set up for
16 it right now.

17 We have a limited universe of participants on
18 the resource, and we can monitor that through Marine
19 Patrol, through the island passes quite clearly and
20 efficiently, and we have a dockside program that's in
21 place that compliments out MRIP program, and that is a
22 population that is particularly located offshore, not
23 inshore.

24 Spotted Seatrout, their densest concentrations
25 are in the mid and upper estuary system, at certain times

1 of the year, and we have a population that is unlimited.
2 A total of anywhere between seventy-five and eighty
3 thousand recreational licenses are sold each year.

4 That is sort of the universe we are dealing with
5 now. It is much greater than the fifteen, or eighteen,
6 hundred people total for Red Snapper.

7 The universe is much larger and those people
8 that individually fish on it would be much larger, on a
9 day-to-day basis, because you don't need a boat to access
10 it.

11 You see people fishing for Spotted Seatrout on
12 ramps, piers, boats, docks, private docks, the front
13 beach. They are everywhere. There could literally be
14 several hundred of them on any given day, or more than a
15 thousand, or so, on a weekend, on a holiday weekend.

16 The Commission has to consider that it is not
17 designed for a near-shore environment. The Tails n'
18 Scales Program was ultimately designed to compliment that
19 gap, that void that is offshore.

20 It has the ability to do it, with certain design
21 requirements and certain staffing requirements and
22 certainly Marine Patrol would have to be onboard with that
23 from the very beginning.

24 I do want the Commission to understand some of
25 those variables, before you move into that.

1 JOE SPRAGGINS: Commissioners, if I could make a
2 suggestion that we let the staff come back to you maybe
3 next month with all the positives, negatives and ways that
4 we could possibly do this, to look at it.

5 It would be two months, Matt.

6 Is that what you said?

7 MATT HILL: Please.

8 COMMISSIONER GOLLOTT: I think you can handle
9 this is two weeks, you and Matt.

10 JOE JEWELL: I appreciate your confidence.

11 JOE SPRAGGINS: There may be more ways of doing
12 this than just the Tails n' Scales. There might be other
13 options that they could look at.

14 If you could, if y'all would let us come back to
15 you with some recommendations of possibilities of what we
16 could do with that.

17 would that be too much to ask?

18 COMMISSIONER BOSARGE: I think that would be
19 appropriate. If it's going to take two months, that's
20 good.

21 COMMISSIONER HAVARD: Matt, I just think we need
22 to make sure we get enforcement involved because trying to
23 enforcement something of this magnitude is a big issue.

24 MATT HILL: Yes. It's just the magnitude that
25 gives me pause with the amount of anglers that we are

1 dealing with.

2 I would respectfully request a two-month period
3 to try to come up with something that would be feasible
4 and that we could all discuss.

5 COMMISSIONER GOLLOTT: I'll make that motion.

6 COMMISSIONER BOSARGE: A motion to come back in
7 two months with some ideas.

8 JOE JEWELL: Recommendations from the staff on
9 the Tails n' Scales Program monitoring and Spotted
10 Seatrout landings.

11 COMMISSIONER BOSARGE: And I know that it would
12 entail a lot, but it's all about the numbers and the data,
13 and it sure would be nice to have accurate data, if we
14 could ever get to that point.

15 I see Mr. Eicke with his hand up.

16 F. J. EICKE: My name is F. J. Eicke.

17 The form I submitted was on another item, but
18 since this item has been added to the agenda, as this
19 proceeds and just at first glance, we do need better data
20 because some of the numbers seem to be skyrocketing beyond
21 reason.

22 we would like to have the recreational community
23 involved in the thinking, rather than just when we get to
24 this point, in the planning of how this might be done.

25 we have capabilities, now, of doing surveys,

1 perhaps asking our members, or the public in general, what
2 their opinions might be about doing this, or doing this,
3 or doing that, and we could probably get you some
4 information that would be useful beyond what might be done
5 in the halls of this building.

6 COMMISSIONER BOSARGE: We thank you, sir.

7 One other thing, if we are here to capture
8 information, we also have to include the charter boat
9 because that's another sector.

10 JOE JEWELL: We've got to have charter boat
11 operators that operate in the mid and upper estuary system
12 that do a lot of landing and target Spotted Seatrout.

13 COMMISSIONER BOSARGE: We have a motion on the
14 floor.

15 Do we have a second for that motion?

16 COMMISSIONER DANIELS: I'll second that motion.

17 COMMISSIONER BOSARGE: We have a motion and a
18 second.

19 Any further discussion?

20 (No response.)

21 COMMISSIONER BOSARGE: All those in favor aye.

22 (All in favor.)

23 COMMISSIONER BOSARGE: Opposed like sign.

24 (None opposed.)

25 COMMISSIONER BOSARGE: Motion carries.

1 JOE JEWELL: That completes Marine Fisheries.
2 Are there any more questions?

3 COMMISSIONER BOSARGE: Thank you, Joe.
4 Now, we move on to other business.
5 Do anybody have any other business?

6 (No response.)

7 COMMISSIONER BOSARGE: Seeing none, public
8 comments.

9 we have two gentlemen who would like to speak.
10 One would be Mr. Howard Page.

11 Is Mr. Howard Page still in the audience?

12 HOWARD PAGE: Yes, sir.

13 COMMISSIONER BOSARGE: Come to the mike and
14 state your name. We will give you three minutes and we
15 are going to hold you to it.

16 HOWARD PAGE: Yes, sir. I'm going to try to be
17 quicker than that.

18 COMMISSIONER BOSARGE: Turn the mike on.

19 HOWARD PAGE: Thank you Commissioners. My name
20 is Howard Page, and I'm here to speak on a issue that I
21 don't believe you have the primary direct responsibility
22 for, but you make a lot of decisions based on this, and
23 it's the beneficial use of dredged spoils.

24 To give you a very quick background on how I
25 have come across something that very much concerns me, I

1 have worked for the last eight years monitoring the
2 project at the restoration at the Port of Gulfport.

3 That has involved some dredge spoil issues,
4 among many other issues, and, as you know, dredge spoils
5 are tested for various contaminants and decisions are made
6 as to whether the dredge spoil can be used for beneficial
7 use, or not.

8 Typically when a dredge spoil is not able to be
9 used beneficially, it's because there are contaminants in
10 there.

11 The specific contaminant I would like talk about
12 is dioxin. As we all know, dioxin can come from
13 everything from a campfire to the agent orange they
14 sprayed over in Vietnam.

15 I'm talking about more of the type like agent
16 orange. It's the most carcinogenic substance known to
17 man, very dangerous, and it's why it is tested for at a
18 very careful level which is parts per trillion.

19 what I've come across that I'm concerned about
20 that I would like to share with you and I would actually
21 like you, in your capacity, if possible, to consider
22 looking into this and getting this information.

23 My understanding is that the dredge spoils for
24 the Port of Gulfport which would be tested at the same
25 standards as any other dredge spoil by the Department of

1 Environmental Quality, I believe, is who does most of this
2 testing, or they send it out, was tested and considered at
3 eight parts per trillion, roughly eight parts per trillion
4 -- there is a little decimal in there -- as to whether a
5 human should be exposed to that level, and that was what
6 decided what was beneficial use of the dredge spoil.

7 As we all know, just for quick examples, someone
8 out soft-shelling, someone out floundering, someone
9 shrimping would be exposed to a sediment by walking in it,
10 and, then, the catch, whether it was a flounder, or a soft
11 shell, or what have you, would have immediately been
12 immersed in that sediment.

13 So you don't want to use a contaminated sediment
14 for that use and, of course, a beach also.

15 That has now been changed, it's my understanding
16 -- I have been researching a Freedom of Information
17 Request Act request that I made -- to forty parts per
18 trillion.

19 we're not talking about a percentage change from
20 roughly eight parts per trillion to eight point five, or
21 to nine point two. All of a sudden it has gone to forty.

22 So the questions I would like to leave you with
23 and I would like you in your capacity to consider asking
24 DEQ, or whoever, has there been a change to the dioxin
25 standards, when they look at dredge spoils for beneficial

1 use, say, in the last ten years, just to give you a window
2 to look at.

3 If there was a change, why?

4 why was that change made?

5 why did you originally consider it?

6 My understanding is the eight parts per trillion
7 is the EPA exposure for human health and, now, why has
8 that gone to forty, if I'm correct in what I have
9 observed.

10 Basically, that's the point I would like to put
11 to y'all. I'm concerned. To be quite honest, my concern
12 is that maybe there were some political motivations that
13 made that change happen.

14 That's my concern, but the facts I can give you
15 are I believe they were originally testing at eight parts
16 per trillion. They have now raised that up to forty.

17 Their dredge spoil was originally failing all
18 the tests for beneficial use. That dredge spoil is now
19 all passing beneficial use.

20 COMMISSIONER BOSARGE: Mr. Page.

21 HOWARD PAGE: I appreciate your time and I'm
22 sorry for going so long.

23 COMMISSIONER BOSARGE: I think Mr. Jan was
24 taking notes, while you were talking. So you got our
25 attention.

1 HOWARD PAGE: Yes, sir. Thank you.

2 COMMISSIONER BOSARGE: Thank you.

3 Next up would be Mr. David wells.

4 DAVID WELLS: Thank you. David wells, Hancock
5 County, Bay St. Louis.

6 My first comment is I am a very avid fisherman.
7 I have spent a lot of time on the water.

8 I want to kind of give kudos to Marine Patrol.
9 I do have contact with a lot of the officers quite
10 frequently because I am on the water so much, and I told
11 the Chief earlier, the professionalism and the courtesy
12 has been really, really good, and I appreciate the work
13 that the Marine Patrol is doing.

14 Actually, I've got several friends that are on
15 Marine Patrol that I have met through fishing.

16 My next comment real quick is, since I do spend
17 a lot of time on the water, I noticed last year we had so
18 much fresh water in the estuary at Bay St. Louis there
19 were very few trout in there, and this year they are two
20 months late. I don't really understand why that is a
21 fact.

22 Also, I'm catching a lot of speckled trout, but
23 they are all under size.

24 I may be wanting to ask Matt if they can
25 consider maybe looking at that fishery and see if we may

1 not be able to go down an inch in size because there are a
2 lot of thirteen and fourteen inch fish out there in the
3 species right now. Thank you very much.

4 COMMISSIONER BOSARGE: Thank you.

5 I think that pretty well concludes our meeting.
6 Do we have a motion to adjourn?

7 COMMISSIONER GOLLOTT: Motion to adjourn, Mr.
8 Chairman.

9 COMMISSIONER DANIELS: Second.

10 COMMISSIONER BOSARGE: All those in favor aye.
11 (All in favor.)

12 COMMISSIONER BOSARGE: Meeting adjourned.

13 (Whereupon, at 1:10 o'clock, p.m., the August
14 21, 2018, meeting of the Commission on Marine Resource was
15 concluded.)

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CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the August 21, 2018, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

Court Reporter