COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

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

Commission Members:

Richard Gollott, Chairman

Shelby Drummond, Vice Chairman

Steve Bosarge

Also Present:

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

COMMISSIONER GOLLOTT: I call this meeting to order.

First on the agenda I would like to ask Jamie Miller to lead us in the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER GOLLOTT: Next we have approval of the agenda.

COMMISSIONER DRUMMOND: Motion.

COMMISSIONER BOSARGE: Second.

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Next we have approval of the minutes.

Do we have a motion, or any modifications?

COMMISSIONER BOSARGE: So moved.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER DRUMMOND: I'll second it.

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Next we have the Executive Director's report.

JAMIE MILLER: No report, Chairman.

Chairman, we will have the administrative penalty report. I apologize.

Ms. Chestnut.

SANDY CHESTNUT: We have an administrative penalty, in the matter of Nam Van Nguyen, Cause Number 081815. The proposed action is pursuant to Mississippi Code Annotated 49-15-63(1)(f), in regards to numerous seafood violations within a five-year period.

The complaint outlines nine seafood violations between the dates of July 14, 2010, and December 12, 2014, of which, Mr. Nguyen has been found guilty by the Jackson County Justice Court.

Mr. Nguyen is represented by Attorney Fred Lusk, in this matter, who has filed a response to the Complaint on July 1st, 2015.

Attorney Lusk also advised, via telephone conference, that the Vietnamese Boat People Organization had agreed to provide instruction, in Vietnamese, to Mr. Nguyen regarding the rules and regulations.

Attorney Lusk's letter is included in the

Commissioners' packets.

Executive Director's Recommendation. Based upon the documentation contained in the file and the violator's response, the Executive Director found that the Complaint established that Nam Van Nguyen was convicted of at least five seafood violations within a five-year period and recommended that the Commission impose the following administrative penalties against Mr. Nguyen:

Mr. Nguyen would be prohibited from engaging in any commercial fishing activities for the period of suspension outlined before.

His commercial fishing license would be suspended and any licenses issued to his vessels would also be suspended.

Would also mandate that Mr. Nguyen's fishing gear be removed from the waters of the State of Mississippi for a period of not less than three months and, prior to having his license reissued, following the above-referenced period of suspension, Mr. Nguyen must show evidence through his attorney, Fred Lusk, that he has received instructions regarding the applicable rules and regulations.

Following the period of suspension, Mr. Nguyen will be placed on administrative probation for a period of two years, during which time if any new fishing violations

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

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

Mr. Nguyen and his attorney, Mr. Lusk, have been notified that this matter will be presented to the Commission on April the 19th, today.

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

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

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

NAM VAN NGUYEN: Nam Van Nguyen.

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

MAI DANG: Yes, ma'am.

SANDY CHESTNUT: And your name is?

MAI DANG: I'm Mai Dang.

SANDY CHESTNUT: Put the microphone a little bit closer.

MAI DANG: Yes, ma'am.

SANDY CHESTNUT: Does Mr. Nguyen have a

statement he would like to present to the Commission?

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

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

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

COMMISSIONER GOLLOTT: Excuse me, Mai.

MAI DANG: Yes, sir.

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

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

MAI DANG: Right. Yes, sir.

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

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

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

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

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

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

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

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

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

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

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

MAI DANG: Yes, sir.

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

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

Can somebody answer that?

SANDY CHESTNUT: His attorney advised that his

instruction would come through the Boat People organization, that he would receive the instruction in Vietnamese.

COMMISSIONER BOSARGE: I know you are just the interpreter, Mai.

MAI DANG: Yes, sir.

COMMISSIONER BOSARGE: I want to make a motion, but I want to be sure that somehow somebody explains to him what he can do and what he cannot do.

SANDY CHESTNUT: Commissioner, that is the purpose of having that certification from his attorney saying that he has received the instructions from the Boat People and they feel comfortable that he is comprehending the rules and regulations.

COMMISSIONER BOSARGE: I'm just worried that maybe his attorney has no skin in the game.

I will make a motion to follow the Executive Director's recommendations, with the exception that we don't automatically revoke his license that if he gets another violation within the period of two years, that he has to come back before this Commission to make sure that he understands all the rules and regulations.

I don't know how you put that in a motion.

COMMISSIONER GOLLOTT: Mai, make sure he understands that court is where he has to argue these

tickets. We have no jurisdiction over that.

MAI DANG: Yes, sir.

COMMISSIONER DRUMMOND: I'll second the motion.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries. Thank you.

MAI DANG: Thank you.

JAMIE MILLER: Sandy, are you clear on the motion that was made and passed that the three-month suspension is in place and we will receive the certification from the attorney?

SANDY CHESTNUT: Yes.

JAMIE MILLER: However, if Mr. Nguyen receives a ticket after that, we will bring him before the Commission again.

SANDY CHESTNUT: Right, and they will determine, at that time, whether his license will be revoked.

JAMIE MILLER: Is that right, Commissioner?

COMMISSIONER BOSARGE: That's correct.

COMMISSIONER GOLLOTT: Next we have Marine

Patrol, Keith Davis.

RUSTY PITTMAN: Good morning Mr. Chairman, Commissioners, Director Miller, Ms. Chestnut.

On the report this month, I would like to point out, on page two, we are getting into that season for boating and fishing activities and, if you will notice under "Boat and Water Safety Violations", they went up from the previous month. There were twenty violations.

That leads me to the next part I want to talk about on page four where we had our boating accidents. As you know, we had one boating accident with a fatality and it involved a kayak where the subject fell out of the kayak and drowned. We also had another boating accident involving two kayakers offshore out from Long Beach. They got into rough water. The same situation. One of them didn't have a life jacket, and our officers responded. They were on scene within ten minutes and luckily saved both of them.

This time of year with boating picking up, we request and ask everybody to go through your vessel, check your safety equipment, make sure you have a wearable life jacket on board for every person, before you leave the harbor, to make sure everything is working on your boat.

I hate to have to report on tragedies like this. It seems like the starting of the year people rush out and

hurry up and get out to enjoy it. They don't watch the weather. They don't check their boat for safety equipment.

COMMISSIONER BOSARGE: Rusty, do we do any voluntary inspections on boats?

RUSTY PITTMAN: Yes, sir. As a matter of fact, we did two last month. If they call us, we will be glad to come out and look at their vessel at the launch and make sure they have the right life jackets onboard and flare kits.

Of course, we teach boat and water safety classes three, or four, times a month. They can call and sign up for them. We recommend that everybody take this class. The officers teach these classes.

COMMISSIONER BOSARGE: We have a mandatory inspection that we do on boats, but we have a voluntary TED inspection.

RUSTY PITTMAN: Right.

COMMISSIONER BOSARGE: That is nice. You make a phone call whether you go to them, or they come to you, and get them to look your stuff over and make sure it's right before you go out.

RUSTY PITTMAN: That's right.

If there are no questions, at this time I would like to turn it over to Chief Davis for our next

presentation.

COMMISSIONER GOLLOTT: Thank you, Rusty.

RUSTY PITTMAN: Thank you.

KEITH DAVIS: Good morning Commissioners.

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

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

SCOTT BANNON: Good morning Commissioners, ladies and gentlemen.

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

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

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

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

there. I'm going to take them back.

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

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

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

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

boat will smell like fish."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

They are rare in the United States. He looks

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

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

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

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

Chris, go ahead and start your search.

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

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

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

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

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

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

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

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

If I can change that behavior by putting a K9 to

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

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

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

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

You have some cards and, if anyone in the

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

I am open to any questions that you may have.

COMMISSIONER DRUMMOND: Are the dogs good swimmers?

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

COMMISSIONER DRUMMOND: How old is Gaines?

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

COMMISSIONER BOSARGE: That is impressive.

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

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

COMMISSIONER BOSARGE: Is it very expensive maintaining the dogs?

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

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

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

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

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

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

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

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

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

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

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

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

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

SCOTT BANNON: Yes.

COMMISSIONER BOSARGE: Great. Thank you.

SCOTT BANNON: Any other questions?

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

SCOTT BANNON: Thank you.

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

Nice to have you here, Mayor.

BILLY BROOMFIELD: Thank you.

COMMISSIONER GOLLOTT: Next is Joe Jewell.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Do y'all have any questions?

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

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

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

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

Since we have so many problems to the west down

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

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

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

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

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

fixing to be opened.

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

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

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

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

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

I appreciate your time.

COMMISSIONER GOLLOTT: Thank you Catfish.

JOE JEWELL: Thank you. Appreciate those comments.

Are there any additional comments?

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

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

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

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

Work has started on the overhead canopy system.

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

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

The progress is really ramping up, now.

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

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

Red drum, the quota is sixty thousand pounds. We have reached the allotment for this portion of the season which is twenty thousand pounds, so it is closed and it will reopen on May 1st.

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

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

May 1st.

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

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

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

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

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

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

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

possible.

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

COMMISSIONER GOLLOTT: Excuse me, Joe.

JOE JEWELL: Sure.

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

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

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

COMMISSIONER GOLLOTT: Yes, spotted seatrout.

JOE JEWELL: We can look into that and get back

with you on that.

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

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

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

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

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

COMMISSIONER BOSARGE: One other question.

When you talk about the different SBR's and you talk about the process of peer review, are you talking about peer reviewing the whole document?

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

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

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

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

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

COMMISSIONER BOSARGE: All right.

JOE JEWELL: Are there any other questions?

(No response.)

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

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

JESSICA RANKIN: Thank you, Joe.

Good morning Commissioners, Director Miller, Ms. Chestnut.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We have done four HACCP classes, three

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

our plan April through November.

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

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

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

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

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

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

did some training.

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

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

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

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

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

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

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

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

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

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

Do you guys have any questions?

COMMISSIONER BOSARGE: Just some comments.

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

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

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

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

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

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

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

JESSICA RANKIN: Thank you, Jessica.

JOE JEWELL: Thank you, Jessica.

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

of that.

COMMISSIONER BOSARGE: I agree.

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

At the March 7th meeting of the Jackson County Board of Supervisors, they passed a resolution --

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

JOE JEWELL: I'm sorry, Commissioner Shelby.

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

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

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

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

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

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

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

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

Supervisor Cumbest and Supervisor Harris opposed the motion.

Supervisors Taylor, Ross and Bosarge approved.

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

regulation, as so noted in the resolution.

They also mentioned 49-15, the State Statute. I will read that for the Commission's consideration.

"Authority to regulate taking and catching of menhaden.

"Upon the request of the boards of supervisors of the respective coastal counties, the Commission may adopt ordinances prohibiting the taking and catching of menhaden within certain limits of the coastline of the county so requesting, but the Commission shall not fix such limits except upon request of the board of supervisors, and such limit shall not exceed two miles from the shoreline, or two miles from the corporate limit boundaries of any municipality bordering on the Mississippi Sound."

The Commission has asked several questions about the boundaries and the territory applied under the regulations and availability for the menhaden industry.

There are three sets of numbers in each of the counties. The very top number is the total availability of square miles of waterway for the available total (indicating slide).

If you look in Hancock County, if you did not consider the one-mile limit for menhaden that is passed in that county, there is about seventy square miles

available, in Harrison County, it's about four hundred and, in Jackson County, it's about three hundred.

If you consider the menhaden season and the one-mile limit in Hancock and Harrison Counties, that's what that blue number represents.

Then, additionally, in Title 22 Part 5, there are some net restrictions that apply to a lot of the net industry, including the menhaden industry, that further reduces the amount of water available to them, and that's what that pink number represents.

If we look at just Jackson County where the proposed resolution would take place, there are areas that are being restricted to the menhaden industry.

If you will note, up in Biloxi Bay area of Jackson County is restricted, the one-mile exclusion areas around Gulf Islands National Seashore, Horn Island and Petit Bois, the one-mile net restriction around Round Island between May and September 15th, the exclusions around the mouth of the Pascagoula River, the exclusion around Singing River Island and Ingalls, and the exclusion around the Grand Bay NERR (indicating map).

If the one-mile extension was passed in Jackson County, that would restrict about twenty-two square miles.

The Commission asked me to address the statement that was made in the resolution that stated:

"And in the best interest of conserving its natural resources for the taking and catching of menhaden to be prohibited within one mile of the Jackson County coastline".

There are a couple of things the Commission has to consider and one of them is, is it a resource issue.

From a fisheries standpoint, I included a couple of management documents.

First is the SEDAR report of the stock assessment, and I highlighted this statement:

"Based on those benchmarks presented, the results suggest that generally the current stock status is not overfished and overfishing is not occurring."

Also, from the Fisheries Management Plan produced by Gulf States Marine Fisheries Commission which is a more qualitative report compiled by the five Gulf states:

"Existing regulations that have been adopted by states to manage harvest appear to be adequate to sustain yields and prevent overfishing."

Again, the Commission has to consider a couple of regulations, when proposing rules and regulations on any industry, whether it be recreational or commercial, and a couple of State statutes.

49-15-2 Subsection A:

"Conservation and management measures shall be based upon the best scientific information available."

49-15-2 Subsection F:

"Conservation and management measures shall be consistent with the conservation requirements of this state, including the prevention of overfishing and rebuilding of overfished stocks."

With that being said, the resolution for consideration, there were submitted to our agency letters of support for the current regulations.

There was a letter submitted by Mayor Broomfield on behalf of the City of Moss Point that supported the current regulations and in support of Omega Protein.

There was a letter submitted by Supervisor Cumbest, one of the dissenting votes, in support of the current regulations and in support of Omega Protein.

There was a company letter provided by Omega Protein, opposing the Jackson County Board of Supervisors resolution.

With that being said, I will be open for any questions that the Commission may have.

JAMIE MILLER: Commission, there are several in attendance that have completed a public comment form on this particular agenda item.

Sandy, if it is appropriate, we would like to

have those in attendance who have requested a comment to come up, now.

SANDY CHESTNUT: Yes.

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

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

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

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

COMMISSIONER GOLLOTT: Good morning, sir.

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

Resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I want to thank you for giving me this

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

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

Thank you so very kindly.

COMMISSIONER GOLLOTT: Thank you, Mayor.

Next is Julia O'Neal.

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

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

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

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

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

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

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

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

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

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

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

They went to the State legislature and tried to

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

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

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

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

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

Thank you.

COMMISSIONER GOLLOTT: Thank you, ma'am.

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

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

She was referencing the FMP.

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

COMMISSIONER GOLLOTT: 2013 came out pretty good, didn't it?

JOE JEWELL: Yes.

COMMISSIONER GOLLOTT: Thank you, Joe.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The other thing is that in his presentation to

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

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

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

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

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

Want to do those figures?

They could be astronomical and, to me, that is

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

Thank you.

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

Would you read the law and tell us what may means?

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

COMMISSIONER GOLLOTT: That's correct.

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

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

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

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

SANDY CHESTNUT: Okay.

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

They said, "Well, they are a mile."

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

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

COMMISSIONER GOLLOTT: Yes, sir.

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

Joe, am I correct on that?

JOE JEWELL: That's correct.

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

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

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

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

Now, does that occur in Jackson County?

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

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

COMMISSIONER GOLLOTT: Thank you, Mr. Eicke.

Maybe Rick Schillaci can answer some of these questions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

At a time when jobs are scarce, according to a recent article in the Mississippi Press dated March 16th, 2016, the headline reads "Mississippi has Worse Jobless Rate in Nation".

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

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

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

A.

Through our donations with No Kid Hungry, two hundred and fifty thousand meals will be provided to children in households that struggle to put food on the table.

We are also involved in the Ronald McDonald House, Our Daily Bread, Cancer Awareness and a variety of food banks, just to name a few.

In addition to our community service through non-profit organizations, Omega Protein is trying to be a steward to all fishermen as well. We understand that commercial and recreational fishermen share our marine waters.

We have made it our policy to do our part to increase recreational opportunities, by donating our retired vessels to become artificial reefs. We want to work with recreational fishermen to promote our resources in our community in a way that shows a spirit of unity, not divide.

We understand that the waters of our state are for both commercial and recreational fishermen.

Menhaden fishery is not only a good steward of the environment, but of the community, in particular Jackson County.

If there was a conservation motivation for

pushing our industry a mile offshore in Jackson County, we would gladly comply because we understand the importance of healthy and sustainable fisheries and ecosystems, but there is no scientific rationale for this propose regulation.

The Commission is comprised of individuals who have certain fishing expertise and experience. Your background qualifies you as Commissioners to be the body that manages our fisheries resource.

The legal statutes that you all abide by require a specific standard to be met, in order to promulgate a fishing regulation.

First, the regulation being considered must be based on the best science information available. The best science available states that the menhaden fishery and supporting ecosystem is healthy and, therefore, this proposed regulation is unwarranted.

Second, the State statute says that the Commission must strive to minimize adverse economic impacts on fishing communities. This regulation does just the opposite.

Third, State statute says that fishing privileges must be granted in a way that is fair and equitable for both user groups. This regulation would prevent only one specific group from utilizing these

marine waters, while allowing all others to fish within the one mile from shore.

If there was a scientific conservation threat within the one-mile area, then, this regulation may have merit, but there is none.

It seems some locals of our community do not like seeing our boats close to the shore, as stated in the March 7th, 2016, Sun Herald.

However, many in our community think just the opposite and actually enjoy seeing commercial fishing vessels which is a large part of our heritage.

Please use your fishing expertise to evaluate this proposed resolution, based on the statutes and standards this Commission manages its fisheries by. If you do so, you will see that this resolution has no credit.

In closing, let me just say that a big part of Mississippi's economy is commercial fishing. It is what built the Mississippi Gulf Coast and, by the grace of God and the help those hardworking people in the commercial fishing industry, along with this Commission, commercial fishing will endure. I am confident of that statement.

Thank you very much.

COMMISSIONER GOLLOTT: At this time, I would like to call a recess for about fifteen minutes.

(Whereupon, a recess was taken.)

COMMISSIONER GOLLOTT: I call this meeting back to order.

I would like to ask Mr. Joe Jewell to come back to the podium.

JOE JEWELL: Yes, sir.

COMMISSIONER GOLLOTT: I think the Commission has some questions for you.

COMMISSIONER BOSARGE: Joe, could you maybe go back to the resolution and elaborate just a little bit on the comments Mr. Eicke made and what they asked us to look at and the reason why?

JOE JEWELL: I can do that.

COMMISSIONER GOLLOTT: Predators and stock assessment and bycatch.

JOE JEWELL: First, I wanted to explain my role and why I'm here and why I'm doing the presentation. I'm the Director of Marine Fisheries, and this is a Marine Fisheries issue.

I read the resolution into the public record. When we look at the resolution, we really have to consider a couple of processes that are occurring.

COMMISSIONER GOLLOTT: You need to talk a little louder. Shelby can't hear you.

JOE JEWELL: I'm sorry, Commissioner Drummond.

I apologize for the second time this morning.

There are a couple of processes that are occurring simultaneously with this resolution. There is sort of a resource issue that is defined in the second sentence of the second paragraph where the Board of Supervisors make the statement:

"And in the best interest of conserving its natural resources for the taking and catching of menhaden to be prohibited within one mile of the Jackson County coastline".

As the Commission may recall, you asked that question of me a couple of times, and that is the reason, in the presentation, I put those two reports for your consideration.

From a scientific perspective which is what I'm here to address, that stock is not being overfished, or undergoing overfishing. Now, that's all I can address, from a scientific perspective.

There is another process that is simultaneously going on. There is sort of a regulatory political process that is going on that the Jackson County Board of Supervisors has enacted. That's a legal process. They had the right to make that recommendation.

It is defined in 49-15-35 that I read into the public record. It says the authority to regulate the

taking and catching of menhaden, upon the request of the Board of Supervisors of the respective coastal county. The Board of Supervisors has the right and the authority to make that request.

Those are two separate actions and two separate perspectives that the Commission on Marine Resources has to consider this morning.

I'm simply here to address the Marine Fisheries perspective about the resiliency of the stock.

Now, the Commission has to consider all of the perspectives that are being presented here today. They have to consider all of the comments that were made this morning by the public and by the respective members of the industry, the Omega Protein representative, the CCA representative.

Now, there were comments made about bycatch. That is a legitimate concern by the members of the CCA, but that is not what was in the resolution. That statement I read to you was what was in the resolution that the Jackson County Board of Supervisors asked the Commission on Marine Resources to consider.

If the Commission so chooses to consider other things that were presented to them this morning, that is the Commission's option, but the Jackson County Board of Supervisors asked for a couple of very specific things for

the Commission to consider, and I will read that for you again:

"WHEREAS, the Jackson County Board of Supervisors has determined that it would be in the best interest of Jackson County, Mississippi, and in the best interest of conserving its natural resources for the taking and catching of menhaden to be prohibited within one mile of the Jackson County Coastline".

Those are the two things that the Jackson County Board of Supervisors has requested the Commission to consider for potentially adopting the one-mile barrier for the taking and catching of menhaden.

COMMISSIONER BOSARGE: In that State statute, it says we may follow what they ask for.

JOE JEWELL: That's correct.

I think Sandy can further clarify that, but I read that into the public record. The word they used was may.

COMMISSIONER BOSARGE: But, also, at the same time, we have to abide by Title 49-15-2 that says conservation management measures will be based upon the best scientific information available.

49-15-2(f) says:

"To the extent practical minimize adverse economic impacts on those fishing communities."

There are a couple of State statutes which we have to abide by here, in making this decision.

I don't see a need for this. I think that the menhaden industry takes it upon themselves to do certain things, but they are also mandated to do certain things, and they do a good job of what they do.

Of course, it's just my personal belief that they are a steward of the environment and they are a steward of the community. They provide a service and jobs for the community.

The last thing I want to see is another industry, especially another industry in Jackson County, leave Jackson County.

I would like to make a motion, but I will leave the floor open for discussion.

COMMISSIONER GOLLOTT: Let me say that I have read through the notes that we received ahead of time, and I have not found any scientific justification for passing this resolution.

If you would like a motion, go ahead.

COMMISSIONER BOSARGE: I would like to make a motion that after hearing the staff's presentation and listening to the public comments and reading the State statutes, that we leave the regulations that are in place now as is and that we do not consider the resolution.

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

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

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

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries unanimously.

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

Any more questions?

COMMISSIONER GOLLOTT: Thank you, Joe.

JOE JEWELL: Thank you

COMMISSIONER GOLLOTT: Next is Mr. Jan Boyd.

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

Coastal Zone Management has one item on the

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

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

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

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

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

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

What we are supposed to do, under that law, is come up with three things: the Coastal Zone that we want to manage, specific activities from those federal activities that we think could have an impact on our Coastal resources, or uses, and enforceable policies that govern those activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We've got the purpose, justification, authority and definitions.

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

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

Chapter twelve is enforcement.

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

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

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

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

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

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

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

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

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

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

We also removed approximately two pages that described the organization of Wildlife, Fisheries and

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

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

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

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

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

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

maintenance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It will be in two places, but we really feel

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

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

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

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

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

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

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

WILLA BRANTLEY: It is a lot of information. We

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

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

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

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

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

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

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

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

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

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

COMMISSIONER BOSARGE: To adopt Title 22?

COMMISSIONER GOLLOTT: Yes.

COMMISSIONER BOSARGE: I will second that.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Thank you, Willa.

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

COMMISSIONER GOLLOTT: George.

GEORGE RAMSEUR: Good afternoon almost.

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

DMR, the Corps of Engineers and the Port of Pascagoula.

That is a picture from several months ago looking south over the project, and you see the original Round Island in the distance.

This is April 5th, four days after the start of construction of the new berm, and you can see where that is going on just to the upper right.

The objective of that is to construct essentially a berm in this shape which covers about two hundred acres, and that's the northwest end on the left side and the south end on the right side.

They are moving about ten thousand cubic yards of sand a day. The goal is to complete this by mid August, at which time work on the Pascagoula Channel would start and they would begin pumping material to the interior.

Overall this should be about two hundred acres of new island and marsh habitat complete by the end of the year.

The other item I have is the State of the Coast Conference. I mentioned it last month. We are up to over two hundred registrations for this year. We had, I think, a hundred and something registrations last year, and wound up with three hundred and fifty at the conference. I don't know what that means for our ultimate count this

year, but we are expecting as many as four hundred and fifty.

The agenda has been posted on line. Registration is on line. If you register, you get an invitation to the reception which is at the Biloxi Visitors Center on May 11th, the night before.

Any questions on any of this?

COMMISSIONER GOLLOTT: Thank you, George.

GEORGE RAMSEUR: Thank you.

COMMISSIONER GOLLOTT: Next is Kacey Williams.

KACEY WILLIAMS: Good morning Commissioners, Director Miller and Ms. Chestnut.

These are the financial results as of March 31st, 2016.

We have a State revenue of six point one million dollars.

Our Agency revenue is twenty-two point five million.

Our State net income is negative one million.

Our Agency net income is one point nine million.

After nine months of fiscal year 16, our Operating funds budget is sixty-one point eight percent remaining, and Tidelands has forty-five percent remaining.

Any questions on this?

(No response.)

KACEY WILLIAMS: I will now briefly summarize the results of our FY15 independent third-party audit conducted by BKD, LLP, certified public accountants. They are out of Jackson Mississippi. A copy of the full audit was sent out with your packets.

BKD feels that our financial statements present fairly, in all material respects, the respective financial position of the Treasury funds of the MDMR, as of June 30th, 2015, and are in conformity with the generally accepted accounting principles.

The auditors did find that the MDMR needs to establish procedures allowing better insight into the progress of our subgrant projects to ensure all significant liabilities related to outside grant reimbursement requests be estimated and accrued into the financial statements during the period in which they were incurred, meaning goods and services that were rendered and not yet invoiced be accrued into the year that they were incurred.

MDMR does have internal control procedures in place to identify and record these liabilities for the grant reimbursement requests, and we have been improving our policies and procedures over the past two years to ensure we have more up-to-date progress for subgrants that do not provide timely information.

We also have been working to procure a grants management system for about a year and a half. Prior to the audit being conducted, we are currently in the Q for the information technology division up in Jackson, and this system would facilitate the recommendations from BKD.

The audit firm did compliment the MDMR staff on professionalism and the hard work that we have been conducting here. They were very happy with the progress we have made as an agency.

Any questions?

COMMISSIONER GOLLOTT: Thank you, ma'am.

KACEY WILLIAMS: Thank you.

COMMISSIONER GOLLOTT: Melissa.

MELISSA SCALLAN: Good morning Commissioners, Director Miller, Ms. Chestnut.

The Mississippi Department of Marine Resources was mentioned thirty-seven times in state, local and national media since the last Commission meeting.

The items of particular interest included the oyster season and the recently completed crab trap program.

I will bring your attention to the fact that Dr. Paul Mickle was featured on the Outdoors page of the Sun Herald and a video of him showing how to filet a founder. He did a great job with that.

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

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

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

COMMISSIONER GOLLOTT: Where is the Mississippi Seafood Cookoff?

MELISSA SCALLAN: At Café Climb in Gulfport.

COMMISSIONER GOLLOTT: Where is that located?

MELISSA SCALLAN: It's on 30th Street near downtown Gulfport.

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

Thank you, Melissa.

MELISSA SCALLAN: Thank you.

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

(No response.)

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

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

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

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

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

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

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

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

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

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

That is something the Commission has to decide.

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

COMMISSIONER GOLLOTT: Really?

MARK STEWART: Yes, sir.

COMMISSIONER GOLLOTT: The Commission hasn't

made a decision.

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

I understand that you have interest in it yourself.

COMMISSIONER GOLLOTT: Really?

MARK STEWART: Yes, sir.

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

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

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

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

COMMISSIONER BOSARGE: I'm glad to hear it

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER GOLLOTT: Gilbert Ramsey.

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

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

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

veterans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER GOLLOTT: Mr. Danny Ross.

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

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

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

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

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

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

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

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

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

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

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

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

What was that article, 51-15?

COMMISSIONER GOLLOTT: 49-15.

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

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

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

DANNY ROSS: Correct.

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

DANNY ROSS: It's terrible.

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

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

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

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

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

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

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

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

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

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

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

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

JAMIE MILLER: Thank you.

MARK STEWART: I have a southeastern fishery bulletin right here. At this time, NOAA is accusing the fishermen of killing these turtles, right now.

I would like to present that to y'all to look at (indicating document).

COMMISSIONER GOLLOTT: Bring it up.

(Document handed to Commissioner Gollott by Mark Stewart.)

COMMISSIONER GOLLOTT: If we have no further business, do I have a motion to adjourn?

COMMISSIONER DRUMMOND: I make a motion we adjourn.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER BOSARGE: I so second it.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Adjourned.

(Whereupon, at 12:15 o'clock, p.m., the April 19, 2016, meeting of the Commission on Marine Resources was concluded.)

CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the April 19, 2016, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

_____

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