

Commission on Marine Resources

COMMISSION ON MARINE RESOURCES

WORK SESSION

Tuesday, March 21, 2017
12:30 p.m.
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

- Richard Gollott, Chairman
Steve Bosarge, Vice Chairman
Mark Havard
Ron Harmon
Jolynne Trapani

Also Present:

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

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1 it is.
2 with your acknowledgment, I'm going to read into
3 the public record the resolution that will allow this to
4 happen.
5 "whereas: The Mississippi Department of
6 Environmental Quality has executed a funding agreement
7 with the National Fish and Wildlife Federation, NFWF, Gulf
8 Environmental Benefit Fund, to enhance the restoration and
9 management of oysters in the Mississippi waters,
10 "whereas: The project is multifaceted,
11 including an experiment to compare the success of two
12 different cultch materials for oyster growth and
13 development,
14 "whereas: Oyster cultch deployment is one of
15 the most critical restoration actions that any state
16 agency can utilize the productivity of its oyster reefs.
17 "whereas: Project description includes:
18 "Approximately forty-five acres of cultch
19 material will be placed in three fifteen-acre blocks south
20 of the Ocean Springs Bridge on the outer edge of Back Bay.
21 "Two materials will be used against one
22 another., One-inch-by-four-inch limestone and similar
23 sized crushed concrete.
24 "High relief and low relief will be incorporated
25 into the reef to assess relief effects on age structure

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1 JAMIE MILLER: We will open it up, now. If
2 someone knows they are going to comment, I will write
3 their name down, and, then, after the presentation, we
4 will invite anyone else to make a comment.
5 If someone knows they want to make a comment,
6 now?
7 RON BRADLEY: Ron Bradley.
8 COMMISSIONER GOLLOTT: We are going to limit it
9 to five minutes.
10 JAMIE MILLER: I think we will go through our
11 presentation, first, and, then, if there are comments on
12 the presentation, you can provide comments.
13 COMMISSIONER GOLLOTT: Okay, Joe. It's your
14 show.
15 JOE JEWELL: Thank you, Commissioners.
16 There are several items we are going to get
17 through this afternoon. First up is a Letter of Agreement
18 between the Commission on Marine Resources. It's a Letter
19 of Agreement with the National Fish and wildlife
20 Foundation for some agreed test plots.
21 I have discussed this previously, in the
22 February meeting. This is a Letter of Intent to hold in
23 abeyance three fifteen-acre test plots that are scheduled
24 to be in the Biloxi Bay Area for three years, until they
25 grow to maturity and we have time to test the project as

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1 and development.
2 "MDMR will monitor the cultch materials for
3 three growing seasons to document growth, size structure
4 and development.
5 "MDEQ will provide high resolution habitat maps
6 of the reefs annually to document changes.
7 "whereas: the purpose of the project funded
8 under the Gulf Environmental Benefit Fund is to remedy
9 harm to natural resources affected by the Deep Water
10 Horizon oil spill in accordance with the plea agreements,
11 and any disruption to the project scope and/or time line
12 as proposed may generate compliance issues for MDEQ.
13 "whereas: It is imperative that enforcement of
14 the no-harvest area for experimental cultch be enforced
15 for three growing-season duration, consistent with the
16 terms of funding agreement entered into to provide data
17 collection and resource information that MDEQ, the
18 Commission, and MDMR can use in their future management
19 decisions.
20 "Now, therefore, be it resolved: In a duly
21 constituted and assembled meeting, that the Commission on
22 Marine Resources supports the investment of oyster
23 restoration and management being made by the Mississippi
24 Department of Environmental Quality and, as such, will not
25 open these cultch areas for commercial and recreational

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1 shellfish harvesting for a minimum of three growing
 2 seasons after the cultch deployment."
 3 With that being said, I will need a motion by
 4 the Commission to adopt the resolution.
 5 COMMISSIONER GOLLOTT: Well, let's look at where
 6 you want to put these.
 7 Can we do that, first?
 8 JOE JEWELL: Sure.
 9 Do we have a map?
 10 JAMIE MILLER: We've got a map on the other
 11 presentation.
 12 Can you go to the other presentation and pull up
 13 Biloxi Bay?
 14 JOE JEWELL: Yes.
 15 Right now, the tentative plan is to place it
 16 here, somewhere in this zone right here because the area,
 17 right now, is unclassified (indicating map).
 18 COMMISSIONER GOLLOTT: You are looking at three
 19 fifteen-acre spots?
 20 JOE JEWELL: Total of forty-five acres.
 21 COMMISSIONER GOLLOTT: Are you going to put all
 22 of that together, or are you going to split it up in
 23 different areas?
 24 JOE JEWELL: There is a little gap between each
 25 one of them.

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1 COMMISSIONER GOLLOTT: Are we talking about
 2 almost under the bridge?
 3 JOE JEWELL: It is going to be offset from the
 4 bridge because there is a band in the bridge that is not
 5 classified, right now. It is either going to abut that
 6 band, or partially in that band. A lot of it is going to
 7 depend on bottom type.
 8 They are actually mapping the Bay, right now,
 9 and a lot of it is going to depend on the bottom type, the
 10 suitability of the soil, so we can get the maximum
 11 potential there.
 12 We want to keep it away from the reefs, like,
 13 Shearwater and Biloxi Bay, so that we can keep those in
 14 abeyance for three years as much as possible.
 15 The positive side of it is, after three years,
 16 it is forty-five acres of oyster resource that we are
 17 adding at the end of the project which the ultimate goal
 18 of the Commission is to try to increase productivity in
 19 the Bay.
 20 COMMISSIONER GOLLOTT: Do you have any idea how
 21 many cubic yards they are going to plant, or any details
 22 on it?
 23 JOE JEWELL: I do not. I know, right now, it's
 24 addressing cultch material and ability to retain oysters.
 25 COMMISSIONER BOSARGE: And they are looking at

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1 different substraights, different types of bottom?
 2 JOE JEWELL: They are going to monitor that
 3 because there isn't enough of one habitat to incorporate
 4 an entire fifteen-acre block. That is exactly why they
 5 are doing the mapping project in advance of deployment,
 6 absolutely.
 7 COMMISSIONER GOLLOTT: This is not going to cost
 8 us anything.
 9 They are going to plant forty-five acres and, at
 10 the end of three years, they are going to give it to us to
 11 harvest?
 12 JOE JEWELL: Absolutely. Our only obligation is
 13 to monitor it for those three years.
 14 COMMISSIONER GOLLOTT: You need a motion to
 15 accept this contract, or resolution?
 16 JOE JEWELL: That's exactly right. It's a
 17 resolution like any other normal resolution by the
 18 Commission.
 19 If the Commission so desires and makes a motion
 20 to adopt it, I have the signed resolution that requires
 21 all of the Commissioners' signatures (indicating
 22 document).
 23 COMMISSIONER BOSARGE: I'll make the motion to
 24 adopt the CMR-NFWF Letter of Agreement.
 25 COMMISSIONER HAVARD: I will second the motion

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1 to adopt the Letter of Agreement,
 2 COMMISSIONER GOLLOTT: We have a motion and a
 3 second.
 4 All those in favor say aye.
 5 (All in favor.)
 6 COMMISSIONER GOLLOTT: Opposed?
 7 (None opposed.)
 8 COMMISSIONER GOLLOTT: Motion carries.
 9 JOE JEWELL: Thank you, Commissioners.
 10 Next on the agenda is the Oyster Management
 11 Plan.
 12 I do want to mention, before we get started into
 13 the plan, the Commission asked me to come back and
 14 reorganize the structure of the plan and provide a little
 15 bit more overview of the plan, before y'all adopt it.
 16 I think I've done that. I mailed that out to
 17 y'all a little late. I don't know how much time y'all had
 18 to review it.
 19 I also wanted to mention that there is a plan
 20 that, I think, Mr. Bradford is going to comment on, during
 21 the public comment section, that he would like to mention.
 22 I do want to say that for public record.
 23 With that, I will get started.
 24 Sort of a way to look at the management plan is
 25 that I wanted to try and organize it in a way that is a

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1 little more structured so, when you look at it, it is more
2 understandable.

3 The way to look at it is sort of like a three-
4 legged stool where all three of the components have to
5 work in concert for the plan to work really well and to
6 provide the results that the Commission is looking for.

7 When I thought of it that way, I think the best
8 way to structure that is to look at it as compliance which
9 is what the Office of Marine Fisheries, through its
10 Shellfish Bureau, provides. These are the Federal and
11 State Regulations that we have to comply with, the way we
12 organize and address the issues, as far as the management
13 of the areas and how we water sample, and, then, I'm going
14 to get into some details.

15 The second is replenishment and restoration, how
16 we keep the areas going year after year, and, then, I
17 spoke in some detail of this at the February meeting, the
18 oyster harvest strategy.

19 With that being said, I'm going to move into the
20 compliance component. I'm not going to spend a lot of
21 time on that because at pretty much every Commission
22 meeting, when we are in an active season, we discuss those
23 issues in some detail. I will give an overview of it. It
24 has components, like, water sampling program.

25 We monitor all of the areas. Every month we are

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1 in these areas. There are eight of them. We water sample
2 every month. We sample more actively in the areas that
3 are open for oyster harvesting.

4 There is our sanitary shoreline survey. This is
5 a survey where we try and identify all potential pollution
6 sources.

7 The area classification and management, this is
8 where we have to classify each area and how it is managed.
9 We do it primarily through river stage and rainfall.

10 We have a harmful algal bloom program. As y'all
11 know, we painfully went through one of those, at the end
12 of 2015 and the beginning of 2016.

13 Then, we have our required Vibrio Management
14 Program that puts some limitation on our ability to open
15 and close, and the time that we open and close.

16 With that being said, I will move on to the
17 second leg of the stool which is the replenishment and
18 restoration component. I tried to keep an upper level
19 view of this.

20 I have identified at least four major components
21 of the replenishment and restoration portion of it.

22 There are cultch plants, relays, we have a
23 remote set program and the oyster leases.

24 Under the cultch plants, we discussed at the
25 February meeting that one of the ways we do that is

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1 contracts to deploy cultch plants.

2 As you know, we have an active contract that has
3 been issued for eight hundred thousand dollars. I have
4 listed some of the main areas that we and the Commission
5 have considered that these cultch plants occur in.

6 Of course, you know Henderson Point, St. Joe and
7 Waveland, these are the inshore reefs where we are likely
8 to have the most success and the Commission has
9 identified.

10 In the contract, it mentions the western reef
11 areas and Biloxi Bay because the Commission has weighed in
12 and mentioned Biloxi Bay.

13 COMMISSIONER GOLLOTT: Joe, can I ask you a
14 question?

15 JOE JEWELL: Absolutely.

16 COMMISSIONER GOLLOTT: What about Pascagoula?

17 We had agreed that we wanted to put some cultch
18 material in Pascagoula to replenish what we are going to
19 take out. We are going to relay out of there this season.

20 JOE JEWELL: We do have a plan for that. I'm
21 going to get to that, but that is not part of this
22 contract. This contract was issued way in advance of us
23 having discussion of that because of State procedures. It
24 takes quite some time to get one of these through that
25 gauntlet. The contract actually mentions the Western Reef

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1 areas and Biloxi Bay, but we do have a plan for Biloxi Bay
2 and continuation into the Pascagoula area, if we relay off
3 of there.

4 Then, under Cultch Plants is Option B,
5 Conservationist, staging site and Biloxi Bay, and I'm
6 going to talk more about that in detail. This is just an
7 overview. I've got a slide for each one of them. I'm
8 going to give some detail for the Commission to consider.

9 Then, we talked about relays. I'm going to
10 provide some more detail about that. Of course, as we
11 discussed, Pascagoula is really the only viable option for
12 relays to occur from, and we are going to consider two
13 options; relay to the Biloxi Bay, or the Western reefs.
14 Of course, the staff's preferred option is to relay to
15 Biloxi Bay, and we are going to discuss our remote set
16 program and the private oyster leases.

17 Of course, Option A, under Replenishment and
18 Restoration, is our contract for the eight hundred
19 thousand dollar cultch plant.

20 What I've done here, if you look in the lower
21 right-hand corner, there is a white square, and for the
22 contract that we have issued -- it depends on how you do
23 that, but it equates to about three hundred and seventy-
24 three acres. That's what we are working with. I've got a
25 box there that equates to that amount of area that we are

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1 going to be working with under this contract. That's how
2 we are going to divide it, somewhere in this area
3 (indicating slide).

4 We discussed St. Joe, Stanislaus, Waveland, or
5 even Henderson Point, and, then, in the Biloxi Bay area.

6 That is the amount of acres that we have to deal
7 with under this contract, and, then, I've got a map of
8 Biloxi Bay that has the same square in proportion there.

9 We are not going to put all of that in these
10 areas. We are going to subdivide that up into some amount
11 of proportional acres for each one of these areas.

12 COMMISSIONER GOLLOTT: The areas that you
13 mentioned have been the most productive in the last couple
14 of years.

15 Right?

16 JOE JEWELL: They had been the most productive
17 and, like I said, it is going to be a proportional ratio.
18 Probably most of it is going to go maybe in the St. Joe
19 area. There are going to be other factors that factor
20 into where we put those, but St. Joe clearly has had the
21 most effort exerted on it over the last year, or two, so a
22 lot of cultch plant will occur on St. Joe.

23 This goes to some of your concerns, Commissioner
24 Gollott. We are now currently staging, in our staging
25 area on the Industrial Canal in Gulfport, our Gulfport

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1 JOE JEWELL: Almost half.

2 JAMIE MILLER: If you were standing on it, or
3 standing next to it, it would look more impressive than it
4 does in the photo, but this is only shell.

5 Now, if you saw the whole site, we also probably
6 have double that in just limestone, but this purchase was
7 just for shell. We went out for quotes and purchased a
8 little more than eight hundred cubic yards.

9 COMMISSIONER TRAPANI: What is the limestone to
10 shell percent?

11 How much are y'all doing with limestone and how
12 much are y'all doing with shell?

13 JAMIE MILLER: Well, we are going to do all the
14 shell. We are going to do eight hundred cubic yards of
15 shell.

16 COMMISSIONER TRAPANI: When you plant it, in
17 general, are you going to have seventy percent limestone
18 and thirty percent shell?

19 How much do you have of each?

20 JAMIE MILLER: Are you talking about will we
21 plant shell and limestone in the same place?

22 COMMISSIONER TRAPANI: Yes.

23 JAMIE MILLER: No.

24 JOE JEWELL: What we generally do is usually a
25 hundred percent limestone.

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1 site, oyster shells. We purchased some oyster shells.
2 They are on site. We also have some limestone on site
3 that we are planning to cultch plant in Biloxi Bay and
4 certainly can be used in Pascagoula, when we relay from
5 there. We are preplanning that already. I compliment our
6 Oyster Bureau staff for being in advance to do that.

7 We are in the process of purchasing a conveyor
8 belt that will actually aid in loading the Conservationist
9 and modifying the site so the Conservationist can pull up
10 close to the site and be loaded directly from the site.
11 We are in advance planning for that.

12 COMMISSIONER GOLLOTT: Are you adding to this
13 pile, or is that it (indicating photograph)?

14 JOE JEWELL: For now, that's it.

15 COMMISSIONER TRAPANI: What is the percentage of
16 the limestone and the shell?

17 JAMIE MILLER: This picture doesn't do it
18 justice, but we couldn't get a better picture.

19 JOE JEWELL: It was late in the evening. That's
20 correct, and that is only half of what we have.

21 JAMIE MILLER: We purchased eight hundred and
22 eleven cubic yards of shell at a cost of right at forty-
23 nine thousand and some change.

24 This is not the entire pile. This is a picture
25 of part of the pile.

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1 COMMISSIONER TRAPANI: Just one, and, then, all
2 shell in another place?

3 JOE JEWELL: Yes, but we had the luxury of
4 getting some shell this time.

5 Director Miller is right. This pile doesn't do
6 it justice. It is a lot larger than that, and it goes
7 back further, too.

8 You see over here in the left-hand corner there
9 is another pile that is equal to this one. We actually
10 have two piles because we've got two things going on at
11 once. I will get to that in a little bit, our remote set
12 project. We are actually piling some oyster shell here
13 for our remote set facility in Gulfport. We have two, or
14 three, things going on all at once (indicating
15 photograph).

16 COMMISSIONER BOSARGE: Where in Gulfport is
17 this?

18 Is this next to the water?

19 JOE JEWELL: Yes.

20 JAMIE MILLER: It's on the Seaway. It's on the
21 Industrial Canal.

22 COMMISSIONER BOSARGE: Okay.

23 JOE JEWELL: It's a pretty convenient place to
24 do it because it is almost a straight shot out to Biloxi
25 Bay.

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1 Under the Replenishment and Restoration Plan,
2 number two is relay and plants. We plan to use the
3 Conservationist. Option A, Biloxi Bay, is our preferred
4 option, of course, because it's closer to a relay that
5 would occur from Pascagoula. It's a shorter trip. It is
6 approximately just thirty-eight miles round trip, where
7 from Pascagoula to Henderson Point is just over a hundred
8 miles round trip and it would take approximately three
9 days.

10 I have a map here that shows approximately the
11 course that we would take with the Conservationist. The
12 green line is from Pascagoula which is where we would
13 relay from up into Biloxi Bay, which is about thirty-
14 eight, or forty, miles round trip.

15 Then, if you notice, the orange line shows the
16 approximate path for the Conservationist for the Western
17 reefs over in Henderson Point which is a much longer
18 course, and it takes a lot longer to get over there.

19 Our preferred option is Biloxi Bay.

20 COMMISSIONER GOLLOTT: I agree with you, but I
21 think our biggest problem is going to be the dredged
22 oysters in the Western Sound this season.

23 I'm not too worried about the tongers because
24 we've got several things going for keeping the tongers
25 busy for this next season.

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1 Can you put a percentage on it?
2 Is it five percent, or is it eighty percent?
3 My observations are that all the stuff that
4 those Alabama folks catch gets processed here.

5 SCOTT GORDON: Small percentage.

6 JAMIE MILLER: So most of everything they catch
7 gets processed here.

8 COMMISSIONER TRAPANI: I have a little concern
9 about trying to help the dredgers. That is where the
10 problem is going to be.

11 JOE JEWELL: I think the issue of them tonging
12 and where you put it, where you put it is going to be the
13 same whether it be Biloxi Bay, or the Western Sound.
14 That's not the issue, and they do land most of them here.

15 The dredgers are going to be a critical issue.
16 We can't relay enough from Pascagoula to the Western Sound
17 to compensate for that. There is not resource for them to
18 have a successful season. There is so little resource
19 available, now.

20 COMMISSIONER HAVARD: As of right now, there is
21 not going to be enough resource there for the dredgers
22 next year?

23 JOE JEWELL: Well, we haven't done our
24 assessment yet. That generally starts in the spring. We
25 are always hopeful every year that we go into it, but,

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1 It's the dredgers that are not going to have a
2 season, if we don't relay to the west, or come up with a
3 place in Biloxi Bay that could be open for dredging.

4 JOE JEWELL: Well, the majority of that eight
5 hundred thousand dollar contract is going to be in the
6 west.

7 COMMISSIONER GOLLOTT: That's not going to give
8 you oysters for this coming season.

9 JOE JEWELL: No, and even the relay from there
10 is not going to do much.

11 COMMISSIONER TRAPANI: Most of our tonging is
12 done by tongers from Alabama, and those are the oysters we
13 are going to relay over there, and, then, the Alabama guys
14 are going to get it and bring it back to Alabama, and
15 Mississippi is not going to benefit from that.

16 JOE JEWELL: That is a concern, but we do --

17 COMMISSIONER TRAPANI: (Interposing) I
18 understand it is a little bit harder to get it over there,
19 but we are doing all that work for people from Alabama to
20 bring it back to their state.

21 JAMIE MILLER: In terms of the Alabama fishermen
22 that fish and harvest, how much of their catch is being
23 taken back to Alabama?

24 I know, in Biloxi Bay, Joe Jenkins and Mike Cure
25 bought, I think, everything that everybody was catching.

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1 from the indications of the landing data at the very end
2 of the season, if you had to stop just there, and that's
3 not a stopping point, but, if you had to stop just there,
4 it is not very hopeful because a lot can happen. As
5 Commissioner Gollott has pointed out numerous times,
6 you've got that next year class that comes up, the fifty
7 to seventy-four year class that comes up.

8 How much of that will survive?

9 How much growth will occur over the summer plays
10 an important factor into the success of the following
11 year, but there is not a lot of that available either.

12 I think Commissioner Trapani is right. This is
13 going to be a challenging year, this coming year.

14 JAMIE MILLER: Joe, do we have some numbers?

15 Obviously, the time that it takes to relay to
16 Biloxi is much shorter than Pass Christian, but that
17 doesn't mean we can't relay to Pass Christian.

18 JOE JEWELL: That's correct.

19 JAMIE MILLER: What does the resource look like?

20 What are we recommending, in terms of sacks to
21 be relayed from Pascagoula?

22 JOE JEWELL: I actually do have some figures
23 from Pascagoula, and I mentioned this at our February
24 Commission meeting. We are estimating, from our last
25 assessment, there is approximately about seventy thousand

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1 sacks of available resource.

2 If we look down the year class, if we look at
3 all year classes, we are estimating somewhere around -- a
4 market sack of live oysters, a three-inch-or-greater sack,
5 is anywhere between two hundred and fifty and three
6 hundred oysters. It depends on if it's three inches, or
7 if most of them are four inches, or if there are clusters.

8 We generally say somewhere around two hundred
9 and fifty to three hundred oysters make a legal size sack
10 of oysters, but, when you look down the year classes
11 anywhere from twenty all the way up to seventy-four, it's
12 very --

13 JAMIE MILLER: Millimeters.

14 JOE JEWELL: -- it is very difficult to
15 determine how many of those will make a legal size sack of
16 oysters because you don't know how many of them are twenty
17 millimeters, or how many of them are just about to be
18 legal. It is very difficult to determine how many more of
19 those because it takes a lot more of those to make a legal
20 sack of oysters because none of them are legal size.

21 We are estimating, with all year classes,
22 somewhere right around ninety thousand sacks.

23 Does that make sense?

24 JAMIE MILLER: when you relay, we are not
25 culling out. We are not separating.

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1 area where they need to be harvested.

2 JOE JEWELL: It does say that, Commissioner
3 Gollott, but, in the larger context of 49-15-37, it is
4 referring to public reefs that have been contaminated, or
5 polluted, and it says that from time to time, not all the
6 time, and, then, it refers specifically, in 49-15-37, as
7 in 49-15-36, and that has some very specific language in
8 there about how you manage reefs.

9 JAMIE MILLER: Joe, currently, as part of the
10 plan that we are presenting to the Commission, the staff
11 recommendation is that we relay some amount of resource
12 from Pascagoula.

13 To Commissioner Havard's point, we have assigned
14 a stock estimate that you said is right at ninety thousand
15 sacks, given those multiple year classes, and we would
16 recommend that some percentage of that would be allowable
17 to relay this year.

18 Is that right?

19 JOE JEWELL: That's right.

20 JAMIE MILLER: why don't you give us that
21 number, what the staff believes would be available to
22 relay without doing harm?

23 JOE JEWELL: We have recommended, in the past in
24 guidance to the data that is available to us, the sciences
25 available and the Governor's Oyster Management Plan that

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1 JOE JEWELL: We take everything.

2 JAMIE MILLER: They are not culling out. They
3 are going to relay what they put on the deck. There will
4 be multiple year classes.

5 COMMISSIONER HAVARD: Until we come up with that
6 third leg of the stool, we need to be real careful of
7 pillaging that last healthy reef that we have in
8 Pascagoula.

9 JOE JEWELL: We absolutely agree with that, and
10 we have been very cautious in our management and our
11 recommendation to the Commission for a lot of different
12 reasons because it is the last sort of abundant resource
13 for the Commission to do a lot of things with.

14 If we have a natural disaster, or manmade
15 disaster, and we are forced to replenish, like after
16 Hurricane Katrina, that is the last major area where you
17 can do that from, and you never know what year you will
18 have it, or you won't have it.

19 We have had a lot of successful years to rebuild
20 our Gulf Coast after Katrina where we have not had a major
21 storm, and that has been a blessed event for us, but you
22 never now when another one will come, or where it will
23 hit.

24 COMMISSIONER GOLLOTT: 49-15-37 State Law says
25 we will relay oysters from that area and put them in an

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1 was given by the Governor's Oyster Council, anywhere
2 between thirty and thirty-five percent.

3 We have made that recommendation, in the past,
4 to the Commission, and we are currently making that
5 recommendation, with the caveat, as Commissioner Gollott
6 has recommended, that we replenish that area, too, once we
7 remove that amount of oysters.

8 That is our current recommendation to the
9 Commission.

10 COMMISSIONER GOLLOTT: Let me throw this out,
11 just food for thought. We have harvested about forty
12 thousand sacks from the Mississippi area this year.

13 Is that correct?

14 JOE JEWELL: That's correct.

15 COMMISSIONER GOLLOTT: And we have done that for
16 about the last three years. It has been real close.

17 JOE JEWELL: That's correct.

18 COMMISSIONER GOLLOTT: If we relayed fifty
19 percent of the oysters out of Pascagoula and put them in
20 the Western Sound -- I'm not all for that. We need to put
21 some stuff in Biloxi Bay to build that reef -- with what
22 is already there and what we could harvest, if we tried to
23 hold it down to thirty-five, or forty, thousand sacks --
24 that's just a thought -- we could have a pretty decent
25 oyster season next year.

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JAMIE MILLER: Well, I want to make sure, as it relates to where Joe is in his presentation -- we have been through this presentation, but don't let me put words in your mouth -- staff is recommending we take thirty-five percent of what we believe is the available resource.

JOE JEWELL: Correct.

JAMIE MILLER: Which, in terms of actual sacks, is around twenty-eight thousand sacks of oysters, or thirty thousand sacks. Based on what we are suggesting, we would take about thirty thousand sacks from Pascagoula and we would move them to either Biloxi, or Pass Christian, or both, in some combination. Some number of sacks would be taken to both locations.

That is our current recommendation.

COMMISSIONER GOLLOTT: What I'm thinking is we've got two bad years, before we hit the third year of cultch plants, your oyster production. If your oyster spat set this year takes real good, you've got three years before you will have oysters again in abundance, and it should be real abundant.

JOE JEWELL: But all the time we are harvesting off of there. We are removing resources.

COMMISSIONER GOLLOTT: We've still got two seasons that we've got to worry about and, if we take and plant Pascagoula, in other words if we took fifty percent

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and put that many shells back in there, the third year shouldn't be any problems. If they grow and catch like they have in the past in Pascagoula, you will have oysters running out your ears in Pascagoula again in three years.

I'm just throwing that out there.

COMMISSIONER BOSARGE: I'm against taking fifty percent simply because, in my opinion, that's too much.

Here, again, I think maybe the discussion we need to have would be are we going to do this in an effort to have production out of these oysters next year, or are we doing this in an effort to try to rebuild the resource so, at a future time, we will have production off those areas?

COMMISSIONER GOLLOTT: Well, I'm thinking about next year, your fishermen, trying to keep them alive.

If you plant all these shells, in three years, you are going to have production, if everything catches and, with any kind of luck at all, you will have enough oysters to supply the world.

What would be your objection of taking fifty percent of the oysters, since you are trying to keep the fishermen going and you are trying to rebuild your reefs?

I mean, the oysters have been sitting there for years and not doing anybody any good.

COMMISSIONER BOSARGE: I think that's where we

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have gone wrong in the past is we have taken too much of the total resource of what we've had for too many years.

COMMISSIONER GOLLOTT: Where was this that we took too many?

COMMISSIONER BOSARGE: Which area do you want me to point to?

COMMISSIONER GOLLOTT: Point at any of them.

COMMISSIONER BOSARGE: That's what I mean, any of them.

COMMISSIONER GOLLOTT: No. Natural mortality has killed them. Spillways have killed them, but you have never over harvested any reefs in the State of Mississippi.

COMMISSIONER BOSARGE: I disagree with you, and I think we should ask the staff.

COMMISSIONER GOLLOTT: Well, give me a date and a time and a reef.

COMMISSIONER BOSARGE: We have done it every year for the past --

COMMISSIONER GOLLOTT: (Interposing) I don't think so.

COMMISSIONER BOSARGE: Anyhow, I think the discussion we need to have is more -- I agree with moving some oysters. Now, whether we move them to Biloxi Bay, or down to the Western Sound, I think it would be nice if we

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could spread them out and move some both places.

COMMISSIONER GOLLOTT: I think we need to move some in both places, but I am also worried about the dredgers next year because there is not going to be much down there.

COMMISSIONER BOSARGE: I am, too, but I don't think that, right now, we are past -- there is nothing we can do for them. It wouldn't matter if we moved all the Pascagoula down there. It is still not going to do anything for them. We have dug ourselves into this hole.

COMMISSIONER GOLLOTT: Wait a minute.

You move ninety thousand sacks of oysters down there and let them open it next year and they are not going to catch any oysters?

COMMISSIONER BOSARGE: Richard, nobody here said we are going to move ninety thousand sacks of oysters.

COMMISSIONER GOLLOTT: But I'm just saying, you said if we moved them all down there, that's just not true.

COMMISSIONER HAVARD: Are we talking about relaying these oysters and harvesting them next year, or are we just talking about relaying oysters?

JOE JEWELL: We are not recommending that. The Commission is talking about that.

COMMISSIONER GOLLOTT: We are talking about

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1 relaying them.

2 COMMISSIONER HAVARD: We are still talking the

3 harvest strategy.

4 JAMIE MILLER: No. We're not talking about

5 harvest strategy. We've got to decide. The staff is

6 recommending that we do relay thirty-five percent from

7 Pascagoula which is roughly thirty thousand --

8 COMMISSIONER GOLLOTT: (Interposing) Thirty

9 thousand sacks.

10 JAMIE MILLER: I think we can decide where we

11 want to take the majority of those.

12 JOE JEWELL: The Commission has to keep in mind

13 that it will take pretty much an entire day to load up the

14 Conservationist. We will stay there overnight.

15 The next day, we will have to drive all the way

16 down and offload those oysters, and, then, the next day

17 drive all the way back. Each time we do this, it will be

18 a three-day trip.

19 COMMISSIONER TRAPANI: It is just one boat doing

20 all of that?

21 JOE JEWELL: Yes.

22 COMMISSIONER TRAPANI: Have you thought about

23 hiring some extra people to help you do it?

24 I don't know. I'm just saying we only have one

25 boat to do that.

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1 JOE JEWELL: We have done that, in the past.

2 COMMISSIONER TRAPANI: If you contract two other

3 boats and we have the money for it, it will get it there

4 faster and probably safer and all those things.

5 COMMISSIONER BOSARGE: What is the capacity on

6 the Conservationist?

7 COMMISSIONER TRAPANI: I do think that they need

8 to go both places.

9 ERIK BROUSSARD: Eleven hundred, or twelve

10 hundred, thousand.

11 COMMISSIONER GOLLOTT: I have heard fifteen

12 hundred. I've heard all over the place.

13 Has anybody ever measured it?

14 ERIK BROUSSARD: Sixty tons.

15 JOHN CIRINO: Sixty cubic yards, when we loaded

16 it to the hilt.

17 COMMISSIONER GOLLOTT: How many sacks to a cubic

18 yard, five?

19 JOHN CIRINO: Fifteen.

20 COMMISSIONER GOLLOTT: Fifteen?

21 JOHN CIRINO: Roughly fifteen.

22 JOE JEWELL: We've got a little bit more deck

23 space.

24 JOHN CIRINO: It ain't as much as what we used

25 to say, Richard.

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1 COMMISSIONER GOLLOTT: Is that right?

2 JOHN CIRINO: When it is loaded to the hilt down

3 the sidewalls, maybe fifteen hundred sacks.

4 When we loaded that last Pascagoula relay, about

5 sixty yards which is roughly four, or five, or six,

6 hundred sacks a load.

7 COMMISSIONER GOLLOTT: It would be a lot easier

8 and a lot quicker to relay them to Biloxi.

9 JOE JEWELL: Yes, a lot safer, too.

10 COMMISSIONER GOLLOTT: A lot easier, but the

11 only problem is the bottom is soft there.

12 John, do you know of any hard bottom that we

13 could put them on and let dredgers get in there without

14 tearing the whole thing up?

15 JOHN CIRINO: Rather than trying to handle it

16 twice and relay it that far, go with your container

17 relaying like you used to do. Let them dredge Pascagoula

18 where it is, containerize it, move it and put it

19 overboard, let it clean two weeks, or twenty-one days,

20 whatever you've got to do to get around the FDA, and let

21 them harvest it right there on the reef.

22 JOE JEWELL: We've got hard bottom in Biloxi

23 Bay.

24 JOHN CIRINO: You've got hard bottom where the

25 old relay site used to be. You've still got gravel there

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1 they could relay to.

2 JOE JEWELL: It's not on Shearwater. Shearwater

3 over there on the Ocean Springs side in the northern part

4 of the Bay, it's not real mud, but it's softer.

5 Towards the Biloxi Bay part of it is a lot

6 firmer.

7 COMMISSIONER GOLLOTT: The dredgers are the ones

8 we've got to worry about. We have talked about an onshore

9 depuration plant that would work your tongers. I think we

10 can work the tongers for the next two years and keep them

11 out of trouble.

12 It's the dredgers that are going to be in

13 trouble, and that's what I'm thinking about.

14 Do you have any idea what it would cost us to

15 get boats to move this stuff?

16 SANDY CHESTNUT: If I could interrupt for just a

17 moment.

18 COMMISSIONER GOLLOTT: Yes.

19 SANDY CHESTNUT: We need your name for the court

20 reporter.

21 JOHN CIRINO: John Cirino, C-i-r-i-n-o.

22 SANDY CHESTNUT: Thank you.

23 JOE JEWELL: If y'all are going to call from the

24 gallery, y'all need to recognize who is speaking.

25 COMMISSIONER GOLLOTT: I'm sorry. I asked him

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1 because he's an Oyster Biologist that used to work for the
2 department, and he knows about the Bay.

3 COMMISSIONER BOSARGE: what are the limitations?
4 Why can't we travel at night?

5 I mean, most fishermen, it's twenty-four hours,
6 if that's what it takes.

7 How come we've got to leave the boat parked,
8 load the boat, and, then, it sits there until the next
9 day?

10 Is there some reason the boat can't travel at
11 night?

12 JOE JEWELL: Well, we can travel at night, but
13 there is a safety reason. Traveling at night is a much
14 more dangerous proposition than traveling during the
15 daytime.

16 COMMISSIONER BOSARGE: Yes, but it's not out of
17 the ordinary, or it's not something that is not done every
18 day, in other words traveling at night. When we are
19 traveling, we are traveling.

20 JOE JEWELL: Yes, but you have a crew of
21 fishermen and that's what they do for a living. We've got
22 a crew of biologists.

23 COMMISSIONER BOSARGE: I mean, to shorten up the
24 trip and shorten up the run, if once the boat was loaded,
25 the boat could be making headway, then, now you can make

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1 it down to the Pass and not have the oysters sit on deck
2 too long, to be able to move more oysters further west.

3 JOE JEWELL: I know that, but, then, you've got
4 a crew that is working twenty-four hours a day.

5 COMMISSIONER BOSARGE: No. You would have a
6 different crew. In other words, you can't work people
7 twenty-four hours a day. The crew that loaded the boat is
8 not the crew that needs to take it to the west.

9 JOE JEWELL: The Shellfish Bureau has eleven
10 people.

11 COMMISSIONER TRAPANI: Just from my viewpoint,
12 the more efficient thing to do is -- I was going to add
13 this in there.

14 Even if you change out shifts and crews and all
15 that, you have one boat. That's the problem.

16 JOE JEWELL: And one boat captain.

17 COMMISSIONER TRAPANI: You only can carry so
18 much on that boat because that boat can only hold so much.

19 I feel that you have to put some in the western
20 reefs, too. The logical answer to it is, if you don't
21 have enough boats, you need to contract somebody else to
22 help you carry these, or it is going to take us two years
23 to bring the oysters where they need to be. That's
24 logical.

25 JAMIE MILLER: I think you're right, and I think

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1 the points the Commission is making are exactly the points
2 that our staff, on whiteboards, roll their sleeves up on
3 and try to figure out how to get done.

4 The reality is we have one boat captain. We
5 just invested a huge amount of money in the
6 Conservationist to keep it going.

7 The last time we contracted to relay from
8 Pascagoula, we paid fifteen dollars a sack for about nine
9 hundred sacks, or about a hundred grand.

10 To relay thirty thousand sacks, it would cost
11 half a million dollars, and it would take us six months to
12 contract.

13 We kind of are where we are. We have available
14 staff and the Conservationist and a way of starting. I
15 think we can deliver some amount of resource to Pass
16 Christian, and I think we can do it quicker than maybe
17 what we have talked about in three-days time frame, but,
18 of course, we are dealing with the staff, and maybe we can
19 look at bringing another boat captain under contract, or
20 something.

21 The reality is there are some limitations. We
22 do want to relay. Contracting, at this point, probably is
23 not practical because we don't have that much money and we
24 want to get started quickly.

25 I'm for going to Pass Christian.

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1 JOE JEWELL: I think I agree with you,
2 Commissioner Bosarge. Look at your end result. Let's
3 take half of them, forty-five thousand sacks, and put them
4 in the Pass.

5 Now, it took the fishermen four-and-a-half
6 months to get forty thousand sacks, and they went
7 everywhere. They took all the resource off of the inshore
8 artificial reefs. They were everywhere to get those forty
9 thousand sacks in four-and-a-half months.

10 If we take these oysters and plant them out
11 there, it is not going to take them very long to go to
12 where we put them and harvest that resource. It is not
13 going to take them four-and-a-half months to do it. This
14 is not going to protract the season out for them.

15 Forty thousand sacks, we may have been doing
16 that in a month-and-a-half, when we were harvesting two,
17 or three, hundred thousand sacks.

18 COMMISSIONER BOSARGE: I just don't see any way
19 we are going to have a dredge season this coming year.
20 Hopefully, there are some options out there we can
21 exercise.

22 COMMISSIONER TRAPANI: Well, I mean, we are
23 hoping that is in addition to. We are not going to just
24 have the oysters relayed.

25 JOE JEWELL: That's right.

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1 COMMISSIONER TRAPANI: Hopefully, in the
 2 meantime, there are actually oysters growing there.
 3 JOE JEWELL: They are going to go where the
 4 oysters are densest, first.
 5 COMMISSIONER TRAPANI: I'm just saying that what
 6 we relay is in addition to what is out there.
 7 COMMISSIONER GOLLOTT: Like I say, Biloxi Bay is
 8 great for Pascagoula relaying because you ought to be able
 9 to do it in a day.
 10 JOE JEWELL: Oh, yes. That's why it is the
 11 staff's preferred option because it is quicker, it is
 12 within reach of Pascagoula and there are firm bottoms in
 13 Biloxi Bay that will be optimum for the relay.
 14 COMMISSIONER GOLLOTT: Then, if we just relayed
 15 to the Biloxi Bay and we planted this area out here, Steve
 16 is probably right. You are probably going to have to have
 17 a limited oyster season on St. Joe, when you find out how
 18 many is there, and Waveland and St. Stanislaus, that area
 19 that produced so well this year.
 20 JOE JEWELL: Well, if you looked at St. Joe, we
 21 had that relay in 2016 where we took about forty thousand
 22 sacks. That was in January, and, then, we just had this
 23 2016-17 season. We harvested forty thousand one hundred
 24 and sixty-five sacks. Most of those oysters came off of
 25 St. Joe. St. Joe has had some significant pressure on it,

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1 in the past year and a half.
 2 COMMISSIONER BOSARGE: Have you got the slide
 3 that you presented to us that showed the percentage of
 4 oysters on each reef, prior to the opening of the season
 5 last year, in other words, something that we can look at?
 6 JAMIE MILLER: Doesn't the map show what was
 7 taken off?
 8 COMMISSIONER GOLLOTT: You are still going to
 9 have to have an assessment of what you've got out there to
 10 get a true picture of it.
 11 JOE JEWELL: We are updating that this year.
 12 This one was not the updated figures, after the
 13 mortality event. This is when we were assessing and gave
 14 estimates, as the mortality event was occurring, if you
 15 look at Pass Marianne (indicating slide).
 16 COMMISSIONER BOSARGE: Yes.
 17 JOE JEWELL: We did an updated one that we gave
 18 to the Commission that showed after we went back and
 19 reassessed, after the event.
 20 COMMISSIONER GOLLOTT: I think, Pass Marianne
 21 was wiped out.
 22 JOE JEWELL: It was pretty much nothing. It
 23 was, like, one sack, or a partial sack, that was found.
 24 COMMISSIONER GOLLOTT: Have y'all checked any of
 25 that to see if we are getting any spat set, or oyster

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1 growth out there at all, at Pass Marianne and Telegraph?
 2 JOE JEWELL: We are about to start our
 3 assessments. We haven't checked, right now, but we are
 4 about to start our annual assessments.
 5 I know which slide you are talking about. I was
 6 going to put that in here, but I thought I didn't want to
 7 go dig down in the weed. I wanted to kind of keep this
 8 one up here because we've been in the weeds, and I don't
 9 know how much progress that we've made, when we do that.
 10 COMMISSIONER BOSARGE: We are definitely going
 11 to do a cultch plant out of Pascagoula.
 12 Have we made the decision amongst us on the
 13 percentage of oysters we are going to take?
 14 JOE JEWELL: The point of this presentation is
 15 for y'all to adopt an oyster management plan. It is going
 16 to be very high level. It is going to the overall
 17 picture; that one slide that I showed in the very
 18 beginning that showed the three legs of the stool. It is
 19 not to get into details. At one point, we will. It is
 20 just to give the big overall functions of the oyster
 21 management plan, define sort of the mission.
 22 It's not to talk about these individual tiny
 23 details, at this point, that we have been discussing, that
 24 there is no consensus on. The whole point of it was to
 25 keep an overall view so that we can agree on some big

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1 major things.
 2 I think the Commission can agree on those three
 3 legs that hold up this whole plan that we're talking
 4 about, the big picture.
 5 When we start talking about how much we are
 6 going to take off of Pascagoula, where we are going to
 7 relay it to, how much you have at the staging site, how
 8 much resource is available at St. Joe, I think that's
 9 where we just sort of get bogged down. There are
 10 disagreements. There is not common ground, or consensus.
 11 The whole point of having this sort of overview
 12 is to find common ground and consensus on things that we
 13 can agree on, and sort of keep that big picture and that
 14 management plan upper level. I think there are things we
 15 can agree on.
 16 Then, if we adopt the plan, as we implement the
 17 plan and we start saying, now that we've got this plan and
 18 we've got Pascagoula, what are we going to do with it.
 19 COMMISSIONER BOSARGE: We don't need to be
 20 making these decisions today. We just need to look at the
 21 plan as a whole.
 22 JOE JEWELL: Let's go through the plan, and,
 23 then, if you don't like the plan, or there are things in
 24 the plan that you want to tweak, or alter, or adjust, we
 25 will do that today, but it is good that we are having that

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1 discussion about how much we are going to take.
 2 That is part of the plan and we should have
 3 those discussions, but, in order to get the plan approved,
 4 we probably need to move forward.
 5 COMMISSIONER BOSARGE: I'll make one more
 6 suggestion, and, then, I'll shut up.
 7 JOE JEWELL: Sure.
 8 COMMISSIONER BOSARGE: If we do hire any more
 9 boats to move oysters, hire them on a day rate, not on a
 10 per sack rate. In other words, put it out for bids on a
 11 day rate. If you are getting paid so much a day, period,
 12 I think you will come out a whole lot better.
 13 JOE JEWELL: Sure.
 14 We sort of talked about this. This is our
 15 remote set. It falls under replenishment and restoration.
 16 COURT REPORTER: Joe, I can't hear you.
 17 JOE JEWELL: If y'all can hold it down a little
 18 bit, my voice is going this afternoon. I have never been
 19 accused of having a soft voice. I appreciate that.
 20 We are still under replenishment and
 21 restoration. We are under option number three which is
 22 remote set.
 23 As I said, we have a facility out at the Port of
 24 Gulfport. The plan for 2017 is to increase the facility
 25 capacity to four tanks which would be around twenty-six

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1 JOE JEWELL: Sure.
 2 COMMISSIONER BOSARGE: I don't know the
 3 scientific term, but is this an oyster that reproduces, or
 4 an oyster that doesn't reproduce?
 5 JOE JEWELL: It does reproduce.
 6 That's our remote set facility.
 7 COMMISSIONER GOLLOTT: Have you done an
 8 assessment on it?
 9 What do you think about it?
 10 Did it work?
 11 JOE JEWELL: We haven't done an assessment. We
 12 are about to do all of that, now, but we do know those
 13 areas and we will revisit them. We planted all of those
 14 in Biloxi Bay.
 15 We are in the final option under replenishment
 16 and restoration, and that's our active private leases.
 17 They are a valuable contribution in the overall picture of
 18 oyster management.
 19 We have a total of five hundred and twenty-four
 20 active private leases. We have five one hundred acre
 21 leases, one ten acre lease, one fourteen acre lease, and
 22 we have four pending leases. That is a very active part
 23 of our program.
 24 The third leg that supports the stool and works
 25 in concert to make this an overall effective management

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1 hundred gallons.
 2 We plan to have eighteen million larvae per
 3 month and enhance the forty-plus acres of water bottoms.
 4 The larvae will be produced at the University of
 5 Southern Mississippi's Aqua Green facility which is just
 6 up the road north on Highway 49.
 7 Plans are currently being developed to
 8 partnership with the University of South Mississippi, Port
 9 of Gulfport and DMR to build a permanent large scale
 10 facility for long-term production. That's where we are in
 11 2017.
 12 There are only two tanks there, now, but we had
 13 a total of fifteen million larvae that was equivalent to
 14 about a hundred and thirty-six thousand shells that we
 15 moved from the Port of Gulfport to Biloxi Bay. We planted
 16 those oysters in Biloxi Bay.
 17 We plan to expand those facilities this year to
 18 almost double the capacity.
 19 COMMISSIONER GOLLOTT: What month did you do
 20 that in?
 21 JOE JEWELL: That was in June and July.
 22 COMMISSIONER BOSARGE: That was in September and
 23 October.
 24 COMMISSIONER GOLLOTT: Can you bring us some of
 25 it and let us look at it and see how much it has grown?

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1 plan is our oyster harvest strategy. I have tried to
 2 model this sort of the way we handle things at Gulf States
 3 and Gulf Council.
 4 The first is alternative one which is status
 5 quo, and that is the way we have managed our reefs in the
 6 past, when we had high productivity and high landings. We
 7 typically open the season in October of each year, and we
 8 try to close in April of the following year.
 9 We do this by field sampling to monitor the
 10 resource conditions during the active season.
 11 Pressure was measured by the decrease in
 12 landings. We did that through our trip ticket program.
 13 We would open at a certain sack limit and we would monitor
 14 that sack limit and, when it dipped appreciatively, we
 15 adjusted it by dropping the sack limit. Our target was to
 16 try and keep the season open as long as possible. That
 17 was the status quo, the way we managed the reef.
 18 Still under option number three is number two,
 19 alternative two, which is management by quota. We have
 20 two alternatives under there.
 21 Alternative two option one is quota by regions,
 22 and that was to establish a quota for an entire region
 23 which would be like the western Mississippi Sound, or
 24 Biloxi Bay.
 25 If you recall, the Commission first considered a

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1 quota, I think, a couple of years ago, and it was for the
2 entire Western Sound.

3 The reason the Commission is considering
4 alternative two option two is to make it a more affective
5 process. Alternative two option two is a quota by area
6 which is the preferred option by staff. It is to
7 establish a quota by a specific area.

8 An example of that would be I "B" which is the
9 St. Joe Reef. That would be to target each area by a
10 specific quota which could be adopted by the Commission,
11 and it could be a different quota for different areas. It
12 could be a roving quota between the season, or a different
13 quotas annually for different areas, and that would be
14 established by the Commission.

15 That sort of completes the presentation. If the
16 Commission wants to reconsider that presentation, the
17 motion would be to adopt the management plan as I
18 presented to you.

19 I did want to specifically put up the two
20 preferred options for staff for y'all to consider, before
21 you made a motion, or considered a motion.

22 Under the restoration component, the relay of
23 the Pascagoula Causeway Reef, we did have a preferred
24 option A which is we preferred to go to Biloxi Bay.

25 Then, under the third leg which is oyster

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1 fishermen throughout Mississippi.

2 we compiled their recommendations and
3 prioritized those, and we also consulted with a couple of
4 oyster biologists, on these recommendations, for the
5 viability of their proposed recommendations.

6 At this time, I would like to briefly go through
7 as much as I can to summarize the plan and take any
8 questions y'all may have.

9 The first recommendation that we had come up
10 with was a resounding issue from the fishermen that they
11 opposed all limestone substraight cultch planting,
12 regardless of the rock size.

13 It was their belief that the limestone planting
14 is ineffective at building oyster reefs for long-term
15 commercial viability.

16 What I'm hearing a lot -- and I've seen this
17 firsthand oyster harvesting myself -- is that with the
18 rocks, you get one oyster that sticks to one rock,
19 compared to oyster shells where you can have dozens of
20 spat sticking to those.

21 Now, there has been success with the limestone
22 in the marsh from the leaseholders, and I would attribute
23 that to the fact that those guys spend a whole lot of time
24 farming those oysters and moving them from one place to
25 another, cultivating those to make that work.

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1 harvest strategy, we had a preferred option of alternative
2 two option two which is quota by area.

3 Is there any discussion, before we make a
4 motion, or consider a motion?

5 COMMISSIONER GOLLOTT: well, I think some folks
6 want to speak to this.

7 JOE JEWELL: Sure.

8 COMMISSIONER TRAPANI: I do have one question on
9 the quota system.

10 Every year after you take a stock assessment, we
11 decide the quota.

12 Right?

13 JOE JEWELL: Correct. If you had an area that
14 had abundant resource, you might have a higher quota in
15 that specific area. If you had an area that had little
16 resource, you might consider a very low, or no, quota.

17 COMMISSIONER TRAPANI: I just wanted to clarify
18 that.

19 RYAN BRADLEY: My name is Ryan Bradley, and I
20 wanted to thank you on behalf of the commercial fishermen
21 of Mississippi for allowing us to be here and be present
22 during these discussions and present our plan that we have
23 come up with.

24 Pretty much what we did was we did outreach over
25 the last several months and weeks with various commercial

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1 Another issue with the limestone is that, once
2 the oysters reach a certain size, we are seeing them die
3 off. I don't know how much data we have to verify that,
4 but this is what the fishermen have agreed on.

5 They recommend that we abandon the use of
6 limestone substraight on all of Mississippi's public wild
7 oyster reefs.

8 The second recommendation was that the fishermen
9 supported oyster shell reclamation and cultch planting on
10 traditional reefs in a very specific manner.

11 They came up with this idea of a Mississippi
12 oyster shell recycling program that serves to reclaim used
13 oyster shells from restaurants and other drop-off
14 locations throughout Mississippi.

15 These shells could be collected, stored and
16 sanitized, before being returned to areas; the entire
17 priority on Mississippi's traditional oyster reefs, to
18 help achieve optimal oyster spat recruitment.

19 The Mississippi Commission on Marine Resources
20 should support a public-private partnership that helps to
21 achieve these goals of reclaiming recyclable oyster
22 shells.

23 Furthermore, the fishermen recommend a very
24 specific method of placing the shells onto the oyster
25 reefs. They recommend small mounds of oysters, rather

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1 than scattering them out on a thin layer across the
2 bottom.

3 These mounds will give the shells optimal chance
4 to recruit spat, and it kind of builds up, from what they
5 are telling me, kind of a safety barrier there for the
6 oysters.

7 The oysters on top are subject to predation from
8 the drills and fish eating them. If we could have kind of
9 a pile there to let some of those under there be protected
10 from the fish and other predation, we would have a better
11 chance at long-term restoration.

12 The next recommendation was that they supported
13 bagless dredging to cultivate the reef.

14 Since all of the mass mortality that we've had
15 on the reefs here in the recent years, the only good thing
16 about that is we've got lots of shells on the reef. There
17 is not necessarily a need to plant a bunch of rocks, when
18 we already have a lot of shell out there.

19 If we can go cultivate some of that shell, turn
20 it over, get rid of some of the sediment on it and allow
21 that spat to stick to it, I think we would be in a lot
22 better shape. This is something that the fishermen agreed
23 on.

24 The timing of the bagless dredging would be
25 critical. After speaking with some of the biologists, we

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1 would need to do it before the summer spatting season
2 before the water gets seventy-five degrees, and we would
3 need to do it after the spring flooding season. If they
4 open Bonnet Carre and we get a bunch of silt and stuff, we
5 would need to come after that and cultivate it. It would
6 be a very small window that would make that option viable.

7 The next recommendation would be to support an
8 oyster management plan that opens reefs on a rotating
9 basis, pursuant to Mississippi Code 49-15-36, specifically
10 Section 2, and I can touch on that real quick. Oyster
11 reefs and bottoms, rotating, opening, closing of oyster
12 reefs is the 49-15-36.

13 Section 2 specifically states, public reefs may
14 be open for harvest of oysters during the season on a
15 rotating basis. If the Commission determines that a
16 particular reef has been over harvested, or that a high
17 percentage of sublegal size oysters exists on a particular
18 reef and that harvest could damage future oyster crops,
19 the Commission may close designated reef areas and keep
20 them closed during the season.

21 Now, obviously, we've got to have some
22 resources, before we start being able to rotate, do this
23 on a rotating basis, but, again, this is the fishermen.
24 They would like to see a rotating basis.

25 Recommendation number five. Mississippi

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1 commercial fishermen, bonafide commercial fishermen should
2 have preference on contract opportunities for all oyster
3 restoration projects in the State of Mississippi.

4 We highly support and strongly encourage an
5 oyster management policy that is inclusive of the
6 commercial fishing industry and gives Mississippi resident
7 oyster harvesters preference on all oyster reef
8 restoration projects, specifically oyster relay programs.

9 We went into what to do with the oysters, once
10 they are relayed, and I think y'all touched on some of
11 that.

12 I know, Mr. Gollott, you wanted some to go right
13 back out to be caught again. Maybe a small percentage
14 would be available for that, but we should definitely look
15 at where we put them, spreading them evenly across the
16 eastern and the western sound, and allowing those oysters
17 time to recruit and to reproduce.

18 Moving on to the next recommendation, oyster
19 aquaculture activities. The traditional oyster dredgers
20 and tongers have been skeptical of this off-bottom
21 aquaculture that has been pushed the last year, or so.

22 There are some fishermen that are in favor of
23 this type of stuff, but they really would like to have
24 some hands-on evaluation. Let some of these bonafide
25 fishermen look at this stuff, experiment with it and see

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1 how feasible it is for commercial production.

2 We feel pretty confident we can produce oysters
3 doing that method, but can we do it and it be profitable
4 for the commercial industry is something we really need to
5 look at.

6 We had made some recommendations regarding how
7 to further along aquaculture, and we recommend that these
8 lease sites, should any lease sites be permitted for
9 aquaculture, that we give bonafide traditional oyster
10 harvesters from Mississippi preference on these lease
11 sites. Give them the first shot at having access to these
12 lease sites.

13 Additionally, I would like the Commission to
14 consider granting a grant to these fishermen maybe like a
15 two-year lease permit, fee waived, to kind of spur
16 investment in this stuff and I think, after two years,
17 they will know if it is viable, or not. That would be a
18 way to spur investment and potentially increase the
19 production of our oysters here in Mississippi.

20 The next recommendation the fishermen had was to
21 establish a Mississippi oyster task force with commercial
22 fishermen representation.

23 The oyster council created by the Governor,
24 there were probably a lot of good things that came out of
25 it. A lot of the concerns from the fishermen were that

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1 they were not included in a lot of these task forces and a
2 lot of these discussions and a lot of these ideas that
3 were presented and implemented, or took place.

4 We have attended some oyster task force meetings
5 in Louisiana, and we feel strongly that they have a real
6 good framework for engaging the fishing community and
7 coming up with the best ways to move forward and manage
8 the resource. We would strongly support that and would
9 hope you would take that into consideration, specifically
10 utilizing fishermen that have verified landings to advise
11 the task force and the Commission on how to proceed on
12 some of these oyster issues.

13 Number eight, this is kind of a larger area of
14 concern that encompasses some things that have been taking
15 place for several years regarding water quality and the
16 impact on traditional oyster reefs in Mississippi waters,
17 due to past and present Army Corps of Engineers projects,
18 specifically the opening of the Bonnet Carre Spillway and
19 the permanent closing of the Mississippi River gulf
20 outlet.

21 The Mississippi Commission on Marine Resources
22 should thoroughly evaluate and strongly oppose any
23 proposed major water diversions that could significantly
24 impact the marine environment in and around Mississippi's
25 waterways.

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1 Just to touch on that a tad bit more, we are
2 starting to realize, now, and the fishermen have been
3 saying this for some time, that when they shut off that
4 Mississippi River gulf outlet, it really changed the tidal
5 flow in our coastal waters. It has been to the benefit of
6 the oyster harvesters in Louisiana's marshes. They have
7 been doing real good. There is a lot more fresh water and
8 salt water flowing through there. It has been at the
9 expense of our oyster industry. That may have a lot to do
10 with some of the problems we are having, now; not to say
11 that our oysters will not come back. They will, most
12 likely, but maybe not in the traditional areas that they
13 were in the last twenty years.

14 with that being said, that wraps up the plan
15 that the fishermen have proposed, and I would like to
16 answer any questions that the Commissioners may have
17 regarding the proposed plan.

18 Y'all take time to think about it.

19 COMMISSIONER GOLLOTT: Thank you, sir. We
20 appreciate it.

21 JAMIE MILLER: We've got one more person who
22 wants to speak.

23 COMMISSIONER GOLLOTT: Come up to the table,
24 please.

25 THAO VU: Good afternoon Commissioners, Director

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1 Miller and DMR staff. Thank you for giving us this
2 opportunity to participate in this workshop.

3 My name is Thao Vu. Currently, I'm the Director
4 of the Mississippi Coalition for Vietnamese American
5 Fisher Folks and Families.

6 I would like to, basically, just read and
7 summarize this letter. I think all of you have a copy of
8 this letter that is attached with our proposed plan.

9 It basically just states:

10 "Dear Commissioners,

11 "On behalf of the Mississippi Coalition for
12 Vietnamese American Fisher Folks and Families and the
13 Mississippi Commercial Fisheries United, our respective
14 constituencies and members, for the public record, we
15 submit the following comments, concerns and attached
16 recommendations.

17 "Prior to the 2010 devastating BP oil spill, an
18 oyster season typically lasted from fall to spring,
19 September-October to April-May.

20 "Since the BP disaster, the Bonnet Carre
21 Spillway freshwater, other environmental and water quality
22 issues, combined with continued poor mismanagement
23 decisions that have contributed to high oyster mortality
24 and critical degradation of our oyster reefs in the
25 Western Sound has subsequently caused tremendous financial

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1 hardship and seriously threaten our fishing livelihoods.

2 "The Mississippi commercial oyster harvesting
3 community has thoroughly investigated and reviewed
4 recommendations for perceived best oyster reef management
5 practices for the State of Mississippi.

6 "Several recommendations have been peer
7 reviewed, evaluated and agreed upon by experienced senior
8 fishermen and leaders of the Mississippi oyster fishing
9 community.

10 "The attached proposal for an oyster management
11 plan should be strongly considered for implementation by
12 the Mississippi Commission on Marine Resources, while
13 considering actions on future oyster management decisions.

14 "In conclusion, the Mississippi Department of
15 Marine Resources, MDMR, as a taxpayer funded State agency
16 in managing our state invaluable marine resources has a
17 great responsibility to ensure transparency in the
18 development and propagation of relevant fisheries
19 management policies and regulations, provide sufficient
20 advance notice of public meetings and workshops such as
21 this one, address language access needs for the Vietnamese
22 American population on the Coast, readily provide
23 scientific data and water monitoring samples, fiscal
24 responsibility and accountability for fisheries disaster
25 funds, ensure restoration projects are meeting restoration

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objectives and engage in mutual respect and open dialog with commercial fishermen, a key stakeholder group, utilize fishermen's traditional ecological knowledge, and provide contracting work opportunities."

There are actually sixty-seven of us who signed this, multiethnic fishermen and/or organizations, and all the ones who attended here for the Vietnamese American and several of the Caucasian, they signed this letter, as well (indicating document).

Thank you.

COMMISSIONER GOLLOTT: Thank you.

COMMISSIONER BOSARGE: I've got one question, Joe.

Within your oyster management plan, where does the task force fit in there?

JOE JEWELL: Well, we do have an oyster task force. It just hasn't met in quite a while. There is an oyster task force, and there was a Vietnamese representative on the task force.

COMMISSIONER BOSARGE: It would be nice to get that group together and maybe populate it a little bit more, and, then, have that input come to us through you.

JOE JEWELL: We can do that.

Before we move on to the other item, does the Commission want to consider the management plan, or move

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on?

COMMISSIONER GOLLOTT: Joe, let me say this. I would like to table that and give me a chance to look at it and think about it.

JOE JEWELL: We can do that.

COMMISSIONER GOLLOTT: would that be all right with the rest of the Commission?

JAMIE MILLER: We have one more gentleman who wants to make a public comment, I think.

COMMISSIONER GOLLOTT: Okay.

JAMIE MILLER: You can come up here, sir.

CHRIS LAGARDE: I'm Chris Lagarde, Bay St. Louis. I don't know where to begin.

I will tell you a little short story. I took a graduate level statistics course at Mississippi State twice because I didn't do so well the first time. The second time I got it.

One of the things I learned is you have got to remove the variables, and we have plenty of variables, when you talk about oysters.

Every one of us in here could come up with a different idea and we think we're right. I think we need to go back and look at where we really are and what we have done.

In 2004, the fall, we harvested almost five

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hundred thousand sacks of oysters. Check my numbers. I think I'm right. A half a million sacks, in 2004. We can't even conceive approaching that, now. What was different, I don't know.

One thing I know, a variable, we did put shells back on the reef. I mean oyster shells. I don't mean limestone.

I think I understand that we spent eleven million dollars on rock, and we don't know where it is.

I don't know if that's true, or not, but that's one of the things I've been told.

The thing that concerns me about the hatchery is that it is like we have written off the natural stock, and I'm afraid, if we write off the natural stock, we are going down the wrong road.

I'm not saying we shouldn't try and do something different, but I walk that Washington Street rock pile and I see Rusty's Marine Patrol down there every day, and I know they are wondering what I'm doing because I'm always scratching in those rocks, and there are lots of oysters. I'm amazed at the number of oysters -- I'm talking about inch and a half this year -- that are growing on those rocks and they are exposed to air. I've got to believe if there are oysters growing on those rock piles, we've got oysters growing out there in the water somewhere.

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I don't see any notice of the St. Stanislaus Reef, or Waveland Reef. I know we built that Bay St. Louis marina. I don't know if we ever put anything back for the oysters that we killed, and I know there were oysters where they put that marina, from being out there when I was a child.

The tonging reef seems to be inconsequential, and I understand that because the dredgers and the processors kind of drive the train, but the tonging reefs, as I understand, Stanislaus and Waveland, actually produced a few oysters this year, and I'm scratching my head, well, if everything else died, why do we have oysters at the tonging reef. I don't know. That's that variable that we can't seem to get a handle on.

One question I have about the hatchery, are these going to be diploid, or triploid, oysters? Nobody said anything about that. Do we know?

JOE JEWELL: We do.

JAMIE MILLER: In what context, Chris?

They can be either, but I think primarily they will be diploid.

CHRIS LAGARDE: Which is what we have, now. We are not going to fool with triploid?

JAMIE MILLER: We are going to fool with

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1 tripliod.

2 CHRIS LAGARDE: Well, that's a concern. I don't

3 know if we really have looked into that.

4 I can go on and on. I just think we need to --

5 I'm not sure what the answer is, but I believe putting

6 shells back would help.

7 I'm not opposed to limestone, but, if you put it

8 down and it sinks in the mud, then, what you got.

9 I understand that we are still waiting on the

10 permit for the expansion of the reefs.

11 Is that correct?

12 I don't know if that's true, or not. Let's just

13 assume it is.

14 I'm not sure why we are expanding the reef. We

15 can't take care of what we've got, now.

16 In terms of relaying, we relayed for St. Joe.

17 We don't know how many we lost. We don't know what the

18 mortality was. I still don't believe we know what the

19 real number was that we caught.

20 If we are going to relay, it seems to me we

21 ought to do it and get boats in there that can get in, get

22 the oysters and move them.

23 Working the Conservationist is great, but the

24 only way I would suggest using the Conservationist is if

25 you are going to put them back in Back Bay St. Louis

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1 where nobody is going to touch them because you can't move

2 enough oysters with that Conservationist. I mean, it's

3 backbreaking work. You've got to get the fishermen who

4 can do it to move oysters.

5 If you are going to move oysters, move them.

6 Don't piddle around with one boat. Get them in and get

7 them out.

8 I did renew my tonging license this morning. I

9 did contribute the sixty dollars, or whatever, to the

10 cause. I will end with that.

11 I know it's a tough job and y'all have got all

12 kinds of people coming at you all different ways, but if

13 you can consider any of that.

14 COMMISSIONER GOLLOTT: Thank you, Chris.

15 JOE JEWELL: I know you've got that quizzical

16 look, so I will try and answer the one issue that Chris

17 brought up --

18 COMMISSIONER HAVARD: Expansion of the reef?

19 JOE JEWELL: -- and we addressed that at the

20 last Commission meeting.

21 The DMR is no exception to any other entity that

22 wants to place material out in the Sound, and we are in

23 the process of renewing our permit for the natural reefs

24 that are out there. I mentioned that at the last

25 Commission meeting. We are making some progress on that.

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1 Just prior to the start of this meeting, I went

2 and spoke to the Corps representatives that we have here

3 at the DMR, and we are still somewhat on schedule. It has

4 been backed up another week, or so. It was mid April we

5 were expecting it. It is somewhere towards the end of

6 April.

7 As you know, the contract for the eight hundred

8 thousand dollar shell plant starts in early May. We are

9 still in the time frame for that to occur.

10 COMMISSIONER GOLLOTT: Joe, there is one

11 question, I think, that is hanging out there. Of course,

12 I've got my opinion. Other people have their opinion.

13 What devastated our oyster reefs?

14 Can the staff look into that?

15 What do they think actually happened the last

16 time we harvested half a million sacks, and, then, the

17 next year we didn't harvest anything?

18 JOE JEWELL: We stayed very consistent in our

19 harvest, until Katrina. Katrina impacted our reefs.

20 Particularly in the Western Sound, they were devastated,

21 but we implemented a large cultch plant. It was all

22 limestone, and we went over a hundred thousand sacks, at

23 that point, and we were back on par for recovery until

24 they opened the Bonnet Carre Spillway in 2011, and we have

25 never recovered from that.

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1 Now, it could have been simply from the

2 devastation of the Bonnet Carre. I suspect probably not.

3 There are a lot of other environmental factors and

4 geophysical factors that are occurring. The gap at three

5 mile in the Biloxi marsh is ever deepening and ever

6 widening, and we suspect greatly that the fresh water that

7 periodically flowed over the reef and provided that

8 flushing, that mechanism for reducing predation, reducing

9 disease, and, then, finally the spat set is, now,

10 filtering through the Biloxi marsh and not coming on our

11 reefs like we traditionally saw.

12 There are a lot of factors that are playing in

13 tandem that are affecting the reefs that we suspect, but

14 the overall big event that impacted the reefs that started

15 the decline that we are seeing, now, was the opening of

16 the Bonnet Carre in 2011 because we were well on our way

17 to recovery with the cultch plant that we had and the

18 hundred thousand and something sack season that we had.

19 COMMISSIONER GOLLOTT: Has anybody kept track of

20 the salinities on the reefs, since then?

21 JOE JEWELL: We do.

22 COMMISSIONER GOLLOTT: Have the salinities

23 increased?

24 JOE JEWELL: The overall salinities are slightly

25 increased. You have to go through a longer period of time

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1 than we are to say there is a large trend occurring, but
2 particularly the outer stations are slightly increasing.
3 The water temperature is increasing. There is definitely
4 a trend occurring. It is warming earlier, faster and
5 staying warmer longer.

6 A good example of that was the event that
7 occurred in 2015, early 2016. As y'all recall, the water
8 temperature stayed alarmingly warm all the way through the
9 winter. That contributed to the extent and duration of
10 the algal bloom that occurred. That plays a big factor
11 into this larger picture, too.

12 COMMISSIONER GOLLOTT: What about this depletion
13 of oxygen?

14 I had never heard of that, until this last
15 season when the oysters died.

16 JOE JEWELL: That periodically occurs. That is
17 not unusual. That has happened for time immortal, but the
18 issue with that is, as water temperature rises, it is
19 harder molecularly for it to hold more oxygen. The warmer
20 the water temperatures occur and the longer they occur,
21 the more chances there are for oxygen depletion to occur
22 and for the duration to occur longer. We are seeing more
23 of that.

24 When events happen like harmful algal blooms,
25 they tend to drain a lot of the oxygen out of the water

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1 what is the staff's view on crushed concrete,
2 compared to the limestone?

3 Every time different fishermen get up, they seem
4 to not want to have the limestone.

5 JOE JEWELL: We are in agreement that shell is
6 the preferred option, if you can get it. The issue is
7 that as a State agency, we have limited resources and a
8 limited budget for it.

9 The difficulty is the shell is four, five, six
10 times more expensive than crushed limestone, and it's a
11 lot more difficult to get and there is a lot less of it.

12 In a great condition, in an optimum condition,
13 we would like every bit of shell that we could get, but
14 the reality of it is there is very limited ability for us
15 to get it.

16 COMMISSIONER TRAPANI: What about compared to
17 crushed concrete?

18 JOE JEWELL: Concrete has its own issues, but we
19 will use it, when it is available, under certain
20 conditions, absolutely.

21 COMMISSIONER BOSARGE: What is the difference in
22 the price?

23 JOE JEWELL: Price is the overall factor for us.

24 COMMISSIONER BOSARGE: I know, but what is the
25 difference between crushed concrete and larger limestone?

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1 because they are driven by that.

2 COMMISSIONER BOSARGE: I've got a question.
3 You said you want to table this.

4 What do you hope to achieve by tabling it?

5 COMMISSIONER GOLLOTT: I would just like to look
6 at it until the next meeting. I don't have any plans, or
7 anything. I would just like to look at it and think about
8 it.

9 JOE JEWELL: That's fine. The options in there,
10 I want y'all to consider those. You can leave them in
11 there and, if you don't want them to be the preferred
12 options, just like at the Gulf Council, you can remove
13 those as preferred options and just leave them in there as
14 just simply an option.

15 COMMISSIONER GOLLOTT: I don't have a problem
16 with any of them. I would just like to have a chance to
17 sit down and study it and try to see long term.

18 If a Commissioner wants to make a motion, you
19 can.

20 COMMISSIONER TRAPANI: I have one other
21 question.

22 From our public comments, it seems to be that
23 the fishermen feel like limestone is not a great choice.
24 Of course, I think everybody is in agreement that shell is
25 the best. Evidently, it must be hard to get.

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1 JOE JEWELL: I'm not sure. I don't have that
2 available. I do know it's the price.

3 JAMIE MILLER: The crushed concrete is
4 comparable.

5 JOE JEWELL: It's just a little bit more
6 expensive.

7 COMMISSIONER BOSARGE: It is all over.

8 COMMISSIONER GOLLOTT: One of the alternatives
9 is relic shell. Mike is in love with that relic shell.
10 He said it is doing a fantastic job. You might want to
11 look at that.

12 JOE JEWELL: We have. It's a premium, too.
13 It's a little pricey.

14 COMMISSIONER GOLLOTT: Yes, but, if it produces
15 more, it might be worth it, just like an oyster shell
16 would be worth more than concrete to me because you are
17 going to get a better spat set, you are going to get more
18 spat set on a shell and more likely to have more oysters
19 survive.

20 JOE JEWELL: Geologically, you know this is not
21 an oyster shell. All the cells have been replaced. It is
22 limestone.

23 COMMISSIONER GOLLOTT: The shell?

24 JOE JEWELL: Yes. It's not shell anymore. It
25 is millions of years old and like all --

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1 COMMISSIONER GOLLOTT: (Interposing) Well,
2 whatever it is, the oysters are setting on it and they are
3 growing. According to Mike, they are doing a good job.

4 JOE JEWELL: Mike is right. All of those
5 materials are viable options and they work under certain
6 conditions.

7 Remember, part of the NFWF oyster project is to
8 test under conditions, which one of those limestones, or
9 concrete, works best.

10 There is a lot of discussion on the table as to
11 which one of those materials produces the best spat, or
12 the most spat, under which conditions, and we are going to
13 test those conditions and see which one of them is more
14 viable because there is a lot of discussion between
15 fishermen, between managers, between processors, which one
16 is the best.

17 Now, processors love that limestone because, as
18 they say, it produces one large oyster and that is great
19 to have, but when you've got a shell that produces a whole
20 bunch of them, they have got to beat those oysters and
21 they are less productive, they are less efficient. They
22 produce less oysters.

23 COMMISSIONER HAVARD: It appears that we have a
24 lot of details to work out, but, as a starting point, I
25 would like to make a motion to adopt the oyster management

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1 plan that we currently have.

2 I haven't heard any of us disagree with the
3 basis that this is talking about. It's just how we go
4 about doing all the details to get this accomplished.

5 I would like to make a motion that we adopt the
6 oyster management plan.

7 COMMISSIONER GOLLOTT: I already had a motion to
8 table it until the next meeting.

9 JOE JEWELL: Sandy, I think that would have to
10 be in the form of an alternate motion.

11 SANDY CHESTNUT: You made the motion to table.
12 Was that motion seconded?

13 COMMISSIONER GOLLOTT: No.

14 SANDY CHESTNUT: So you made an amended motion?

15 COMMISSIONER HAVARD: Yes.

16 SANDY CHESTNUT: Or an alternative motion?

17 COMMISSIONER HAVARD: I would like to make an
18 alternative motion that we go ahead and pass the oyster
19 management plan because we have talked about this time and
20 time again, and I think we all are in agreement that this
21 is the approach that we need to take and work out the
22 details later.

23 COMMISSIONER BOSARGE: I agree, and I've said it
24 too many times. We have got to start somewhere.

25 I will second his motion.

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1 COMMISSIONER GOLLOTT: All those in favor say
2 aye.

3 (Commissioner Bosarge, Commissioner Havard in
4 favor.)

5 COMMISSIONER GOLLOTT: Two in favor.

6 COMMISSIONER TRAPANI: I'm not in favor and the
7 reason why is I agree that we need a plan and we have all
8 agreed on that. We just got this information last night.
9 I mean, if we called a special meeting two weeks from now,
10 I wouldn't have a problem, but I would like to do some
11 homework on it. I haven't really gotten to study it and
12 make sure that I agree with all of it. I just wanted to
13 say that for the record.

14 I do think that we need a plan, but I need time
15 to actually go over this.

16 COMMISSIONER GOLLOTT: So you want to second my
17 motion?

18 COMMISSIONER TRAPANI: Yes.

19 SANDY CHESTNUT: So the motion to adopt was two
20 to three?

21 COMMISSIONER GOLLOTT: Yes.

22 COURT REPORTER: Who voted against the motion to
23 adopt?

24 COMMISSIONER GOLLOTT: I voted against it.

25 COMMISSIONER HARMON: I voted against it.

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1 COMMISSIONER TRAPANI: I voted against it.

2 SANDY CHESTNUT: So that motion failed.

3 COMMISSIONER GOLLOTT: I would just like to make
4 the motion that it is tabled until the next meeting.

5 COMMISSIONER TRAPANI: I second it.

6 COMMISSIONER GOLLOTT: All those in favor say
7 aye.

8 (Commissioner Gollott, Commissioner Harmon,
9 Commissioner Trapani in favor.)

10 COMMISSIONER GOLLOTT: Opposed?

11 (Commissioner Bosarge, Commissioner Havard.)

12 COMMISSIONER GOLLOTT: Three in favor. Two
13 opposed. It is tabled until the next meeting.

14 Basket dredge.

15 JOE JEWELL: I have a presentation for y'all
16 that sort of outlines all of that actions the Commission
17 has taken on this issue. For the benefit of our new
18 Commissioners and for the Commissioner that has not been
19 around for the entire process, I'm going to read a
20 summarized, abbreviated version of that into the record.

21 On September the 16th, 2014, at the request of
22 the Commission, the staff made a presentation on basket
23 dredges. It was a PowerPoint presentation that included a
24 video that compared the side-by-side analysis of a regular
25 dredge versus a basket dredge to the CMR. At that point,

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1 the CMR took no action.

2 On November the 5th, 2014, the Commission had a
3 special workshop and, at that workshop, the Commission
4 motioned for the DMR staff to conduct a public hearing on
5 basket dredges.

6 On January the 13th, 2015, the DMR staff
7 conducted a public hearing on the basket dredges. There
8 were a total of seven people that commented, at that
9 public hearing. Three people opposed the basket dredges,
10 three people were in favor of keeping basket dredges and
11 two people were neutral on the use of basket dredges.

12 On March the 17th, 2015, DMR staff presented to
13 the CMR dredge recommendations that included gathering
14 updated information on harvesters using basket dredges and
15 to work with the harvesters defined on modified basket
16 dredges that will help minimize damage.

17 At the March 17th meeting, the CMR passed a
18 motion to prohibit the basket dredge and to go to a
19 maximum bag dredge of a hundred and fifteen pounds and
20 sixteen teeth, The previous weight was a hundred a forty
21 pounds. I don't know if y'all recall that.

22 Then, on April the 15th, the CMR staff which was
23 me presented a Notice of Intent to prohibit basket dredges
24 and to go from a hundred and forty pounds to a hundred and
25 fifteen pounds standard dredge weight. The CMR passed

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1 COMMISSIONER GOLLOTT: I think it's time to look
2 at this thing again because the reefs are in such bad
3 shape and a lot of the fishermen said, yes, you looked at
4 a video, but they had the right amount of chain out. If
5 you give it too much chain, that thing is going to bog and
6 tear the reefs up. That's all I've heard for the last
7 year, that these people are still tearing the reefs up.

8 Rather than take a chance on that, I would
9 rather just outlaw the basket dredge, right now, until we
10 can get our reefs rebuilt and make sure that we are doing
11 the right thing on how to take oysters. I have even
12 thought about making the dredges smaller and lighter to
13 make sure we're not damaging the reefs, but we're not
14 going to go there, now.

15 JOE JEWELL: The current basket dredges as they
16 are, they have to meet the hundred and fifteen pound
17 weight requirement.

18 COMMISSIONER GOLLOTT: Until they start catching
19 oysters, and, then, from I understand, they start pushing
20 down because of the weight that is right above the teeth.
21 It makes sense.

22 JOE JEWELL: If the Commission so moves forward,
23 we would have to have a motion for Notice of Intent to
24 modify Title 22 Part 1.

25 COMMISSIONER GOLLOTT: I'll make that motion.

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1 unanimously the motion to proceed with the Notice of
2 Intent.

3 On May the 19th, 2015, the Executive Director
4 requested that agenda item F2 which was the basket dredge
5 be tabled until the June CMR meeting. The reason for that
6 was that the Commission wanted to go out for a second
7 public hearing.

8 On May the 28th, 2015, the DMR staff conducted a
9 second public hearing for the Notice of Intent on basket
10 dredges. Seven people attended that meeting, and all were
11 opposed to banning the basket dredge. That means they
12 wanted to keep it.

13 At that time, for the Notice of Intent, we
14 received public comments. Forty-six were in favor of
15 keeping the basket dredge and one was opposed to the
16 basket dredge. That gentleman called me this morning, and
17 he wanted to reaffirm that he is opposed to basket
18 dredges.

19 Then, on June 16th, 2015, the CMR tables a
20 portion of the basket dredge issue and moves forward with
21 the weight changes to the standard dredge, and that became
22 effective August 1st, 2015.

23 With that, if the Commission so desires to move
24 forward and reconvene the issue of the tabled motion, I
25 will read into the public record the motion.

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1 JOE JEWELL: If you do that, I will read into
2 the public record the original language that was included
3 in Title 22 Part 1 that was tabled.

4 COMMISSIONER BOSARGE: Right now at the present,
5 I don't know that it is going to matter, until we get some
6 resource to damage, but how much work was done?

7 I remember the presentation that you presented,
8 but I don't remember what the outcome was. In other
9 words, we may need a pretty good refresher.

10 JOE JEWELL: I think the side-by-side analysis
11 proved there was no appreciable difference between the two
12 dredges.

13 Mr. Gordon is here, if you want to weigh in on
14 that.

15 SCOTT GORDON: Yes. We can probably show the
16 Commission, at the next meeting, the video that was taken
17 at that time. I believe Commissioner Gollott is correct
18 that a lot of it hinges on how much cable, or chain, is
19 out at the time. Basically, a dredge is a dredge.

20 If you want to have the least impact, I think
21 you would probably go to tonging.

22 COMMISSIONER GOLLOTT: But you could see the
23 weight being directly over the teeth, in that basket,
24 pushing it down harder.

25 SCOTT GORDON: I believe I have stated this to

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1 the Commission before. If I was convinced that they were
2 actually causing damage to the reefs, I would want to have
3 them outlawed altogether, but I'm not convinced of that.

4 THAO VU: I would like to request to be able to
5 make public comment regarding this basket dredge
6 discussion.

7 COMMISSIONER GOLLOTT: Go ahead. You've got
8 five minutes.

9 THAO VU: Yes. Thank you.

10 JOE JEWELL: Can I state one thing, before you
11 get started?

12 THAO VU: Yes.

13 JOE JEWELL: Ms. Thao Vu, for the public record,
14 at the May 28, 2015, meeting was the representative that
15 submitted the forty-six public comments opposing banning
16 the basket dredge.

17 THAO VU: Yes.

18 My initial thought on this is that it is deeply
19 troubling to us that this is on the agenda, and this
20 workshop was not notified in advance because this basket
21 dredge discussion actually affects all the Vietnamese
22 American dredgers. All of them dredge. None of them
23 tong.

24 To give some context and history, when the
25 proposed rule was -- before it was adopted in June of

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1 eight hundred to a thousand dollars to modify from a
2 hundred and forty-five pounds down to a hundred and
3 fifteen pounds which is a significant drop. It's not like
4 the dredge weight dropped only five, or ten, pounds, and
5 it is much lighter.

6 The other thing I would like to bring up is last
7 year during the emergency oyster relay program at the St.
8 Joe reef, several boats were allowed to use a heavier
9 dredge. That is not fair. If the rule has been finalized
10 and it had been, since June 2015, all boats would have had
11 to use that same hundred and fifteen pound dredge. That
12 is blatantly unfair that you would make an exception,
13 during that program, and blame a group of fishermen when
14 you don't even have scientific clear data showing that
15 these heavier dredges were damaging these reefs.

16 This meeting was very problematic because it
17 wasn't publicly announced. It was not on the website. We
18 found out about it only a few days ago, and I did some
19 outreach to some fishermen. I did share with them to be
20 here at 1:00 o'clock, and, then, right after the earlier
21 Commission meeting, we find out that it was moved to
22 11:30. That is deeply, deeply problematic.

23 We expect this agency, in terms of public
24 meetings and workshops, to do it more openly and
25 transparent and give people advance sufficient notice, and

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1 2015, we had reached out to a lot of our constituents,
2 primarily Vietnamese American fishermen. Every single one
3 of them use a basket dredge. None of them tong. One of
4 the limitations for them is that they don't have a lot of
5 the physical upper body strength to do tonging. So they
6 have been accustomed to dredging.

7 Also, at the time, we were attending all the
8 Commission meetings and we also viewed the presentation
9 that Mr. Gordon gave and, at that time, that presentation
10 did not give conclusive absolute evidence that these
11 dredges were damaging the reefs.

12 The other important point we would like to raise
13 is that since the BP disaster, these oyster reefs, mainly
14 in the Western Sound, remain mostly closed. We haven't
15 even had a season where it has been three months
16 consecutively.

17 We are disputing the notion and claim that these
18 dredging boats are damaging the reefs because they are not
19 even allowed to get near these reefs. That was one of our
20 key contingency issues back then, and we included it in
21 our public comment letter, and the lack of conclusive
22 scientific data stating that these heavy dredges damage
23 these reefs.

24 The other point is the economic cost. After the
25 rule was finalized, it cost these fishermen an additional

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1 that's why a number of the fishermen were walking in and
2 out because of all these different time changes. They
3 were arriving late and many of them did not even know
4 about this meeting, and this is a critically important
5 issue that they need to be allowed to be given the
6 opportunity to give their input before any vote is taken.
7 Thank you.

8 COMMISSIONER GOLLOTT: Thank you, Ms. Vu.

9 This is not pressing. I mean, this is something
10 we are doing for next season. We just wanted to start it
11 and get it out on the table so it could be tabled to the
12 next meeting, as far as I'm concerned.

13 SANDY CHESTNUT: I would like to point out that
14 any regulation change will have to go out on public notice
15 for comment, in accordance with the Administrative
16 Procedures Act. There is going to be plenty of
17 opportunity for comment.

18 RYAN BRADLEY: Ryan Bradley, Mississippi
19 Commercial Fisheries United.

20 I would like to make one statement for the
21 record on this basket dredging issue. If you open the
22 door to outlawing basket dredging, you open the door, like
23 Mr. Gordon said, to outlawing all dredges, and that is
24 something you need to consider. If you outlaw basket
25 dredging, you open the door for these environmental groups

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1 to come in and say, well, if you say basket dredging is
2 bad, all dredging is bad. You need to really think about
3 that.

4 That's all I've got.

5 COMMISSIONER GOLLOTT: Thank you, sir.

6 Anyone else?

7 JOHN CIRINO: Yes.

8 COMMISSIONER GOLLOTT: Go ahead.

9 JOHN CIRINO: John Cirino. Just a question.

10 Do you have any scientific evidence, or data,
11 that the basket dredges cause negative impact to the reefs
12 and increased mortality, or buried shell?

13 COMMISSIONER GOLLOTT: Just about the whole
14 State of Louisiana has quit using them.

15 Back in the 1980's, they just about all went to
16 the automatic basket dredges and everything, and I have
17 talked to different fishermen down there and oyster lease
18 holders, and they have gotten rid of it because it was
19 destroying their reefs.

20 JOHN CIRINO: I hear that, but I haven't seen
21 any scientific evidence of increased mortality, or burial.

22 COMMISSIONER GOLLOTT: Have you seen anybody
23 putting the basket dredges on in Louisiana?

24 JOHN CIRINO: Yes. I've seen basket dredges
25 being used.

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1 I saw the contingent here, and I hear what they
2 say about when the basket dredges showed up, two weeks
3 later there was nothing there. That would suggest to me
4 they are more sufficient. They caught everything, if
5 there is nothing there.

6 You are making decisions, without any scientific
7 data. You want to adopt a management plan with a quota
8 you don't know. You don't know what oysters are on there.
9 You adopt a management plan without the science to support
10 it. You want to outlaw something because you looked at a
11 video.

12 Just because everyone else says it does damage,
13 without scientific evidence that it causes increased
14 mortality, or damage, I wouldn't be looking at it until
15 you spent some money and investigate that.

16 COMMISSIONER GOLLOTT: As much as you know about
17 oysters, would you say letting too much chain out would
18 make a dredge bury?

19 JOHN CIRINO: Yes. We had that problem before,
20 when the Vietnamese first came here and they wanted us to
21 pass an ordinance of how much chain you could pull. It
22 was basically unenforceable, and the answer to that would
23 be we need to educate these fishermen on how to pull the
24 dredge correctly.

25 If you are pulling that dredge and burying that

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1 reef, in my opinion -- it's not scientific -- you are not
2 going to be fishing long because you are not catching many
3 oysters.

4 If you are damaging the reef, you should see it,
5 but I haven't seen it.

6 If he is pulling it wrong, I can pull a regular
7 dredge with too much rope and it will go under the reef.

8 COMMISSIONER GOLLOTT: Like I say, I would like
9 to table it until the next meeting, and, then, we can go
10 through all of this and see.

11 I think we need to do everything we can to
12 protect these reefs and to build them. Once we get them
13 built, it's a whole different ball game, but they are in
14 bad shape, right now.

15 JOHN CIRINO: Let me add that your Pascagoula
16 Reef has been seriously impacted by the expansion of
17 Ingalls. You have some reports sent to you that they
18 buried a lot of that reef with that expansion. We lost a
19 lot of acreage there. It was damage done, when they built
20 the causeway that wasn't properly mitigated.

21 You should repair some of that damage, but what
22 we found when we relayed those oysters, as you said,
23 Richard, if you don't fish them they get overcrowded. I
24 believe Mr. Bosarge used the term "ranky". Nobody wants
25 them.

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1 when we relayed them, they blossomed up. The
2 reef grew.

3 They need working, but there is some serious
4 damage done by the expansion of the shipyard that needs to
5 be repaired.

6 COMMISSIONER GOLLOTT: I think our staff has
7 done an assessment of that reef, since then.

8 Haven't you, Joe?

9 JOE JEWELL: The Causeway Reef, on the west side
10 of it is what we find is the traditional reef. I think
11 John is talking about the other side which was damaged.

12 COMMISSIONER BOSARGE: That seems to be where
13 most of those clustered ranky oysters are, west of that
14 causeway.

15 Right?

16 JOHN CIRINO: Right.

17 COMMISSIONER BOSARGE: The further west go the
18 better the oysters get.

19 JOE JEWELL: Mississippi Phosphates terminated
20 most of the available resource, at one point.

21 I want to ask Sandy a question.

22 Since this is not an action item -- it actually
23 says on the agenda "Basket Dredge Discussion" -- I think
24 technically the Commission would not have to table it. I
25 think, if you wanted to consider it at the next Commission

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1 meeting, it would have to be put on the agenda as an item
2 for consideration.

3 Is that correct?

4 SANDY CHESTNUT: That's correct.

5 COMMISSIONER GOLLOTT: Just let the staff know
6 to get ready because it will be on the agenda.

7 Do we have anything else?

8 (No response.)

9 COMMISSIONER GOLLOTT: If we have nothing else,
10 we need a motion to adjourn.

11 COMMISSIONER BOSARGE: So moved, Mr. Chairman.

12 COMMISSIONER GOLLOTT: We have a motion.

13 Do we have a second?

14 COMMERCIAL HARMON: So seconded, Mr. Chairman.

15 COMMISSIONER GOLLOTT: We have a motion and a
16 second.

17 All those in favor say aye.

18 (All in favor.)

19 COMMISSIONER GOLLOTT: Opposed?

20 (None opposed.)

21 COMMISSIONER GOLLOTT: Motion carries. We are
22 adjourned.

23 (Whereupon, at 2:12 o'clock, p.m., the March 21,
24 2017, work session of the Commission on Marine Resources
25 was concluded.)

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1 C E R T I F I C A T E

2
3 I, Lucille Morgan, Certified Shorthand Reporter, do
4 hereby certify that the above and foregoing is a true and
5 correct transcript of the March 21, 2017, meeting of the
6 Commission on Marine Resources, as taken by me at the time
7 and place heretofore stated in the aforementioned matter
8 in shorthand, which electronic verification, and later
9 reduced to typewritten form to the best of my skill and
10 ability; and, further, that I am not a relative, employee,
11 or agent, of any of the parties thereto, nor financially
12 interested in the cause.

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