

Commission on Marine Resources

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, April 18, 2017
9:00 a.m.
Bolton Building Auditorium
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 COMMISSIONER GOLLOTT: I would like to call this
2 meeting to order and welcome everyone.
3 The first thing on the agenda is we are going to
4 say the Pledge of Allegiance and ask Jamie Miller to lead
5 us.
6 (Whereupon, the Pledge of Allegiance was
7 recited.)
8 COMMISSIONER GOLLOTT: Next we have approval of
9 the last two meetings we had, the minutes.
10 Do we have a motion, or do we have any kind of
11 modifications?
12 COMMISSIONER HAVARD: I make a motion we approve
13 the minutes from our previous meetings.
14 COMMISSIONER GOLLOTT: We have a motion.
15 Do we have a second?
16 COMMISSIONER BOSARGE: So seconded.
17 COMMISSIONER GOLLOTT: We have a motion and a
18 second.
19 All those in favor say aye.
20 (All in favor.)
21 COMMISSIONER GOLLOTT: Opposed?
22 (None opposed.)
23 COMMISSIONER GOLLOTT: Motion carries.
24 We go to approval of the agenda.
25 JAMIE MILLER: Chairman, before you approve the

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1 agenda, I would to ask that one of the Commissioners make
2 a motion.
3 We have two items under G-1. It's items (b) and
4 (C).
5 Item (b) has been resolved. Our permitting
6 staff has notified me.
7 Item (C) needs to be rescheduled. They've got a
8 meeting with staff.
9 If someone will make a motion to amend the
10 agenda to remove items G-1 (b) and (C).
11 COMMISSIONER BOSARGE: I'll make the motion that
12 we remove items G-1 (b) and (C) from the agenda.
13 COMMISSIONER GOLLOTT: We have a motion.
14 Do we have a second?
15 COMMISSIONER HARMON: So seconded, Mr. Chairman.
16 COMMISSIONER GOLLOTT: We have a motion and a
17 second.
18 All those in favor say aye.
19 (All in favor.)
20 COMMISSIONER GOLLOTT: Opposed?
21 (None opposed.)
22 COMMISSIONER GOLLOTT: Motion carries.
23 We need a motion to approve the agenda as
24 modified.
25 COMMISSIONER BOSARGE: So moved, Mr. Chairman.

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1 COMMISSIONER GOLLOTT: We have a motion.
2 Do we have a second?
3 COMMISSIONER HARMON: So seconded, Mr. Chairman.
4 COMMISSIONER GOLLOTT: We have a motion and a
5 second.
6 All those in favor say aye.
7 (All in favor.)
8 COMMISSIONER GOLLOTT: Opposed?
9 (None opposed.)
10 COMMISSIONER GOLLOTT: Motion carries.
11 Next we have the Executive Director's report.
12 JAMIE MILLER: Chairman, I've got a brief
13 report.
14 I want to make the announcement, although it's
15 been made publicly, that Dr. Kelly Lucas left the agency
16 and left the position of Chief Scientific Officer vacant,
17 at the end last year.
18 The agency just completed a series of interviews
19 and recently made an offer and this gentleman accepted it.
20 Dr. Paul Mickle has been accepted as the new agency's
21 Chief Scientific Officer. Paul has worked with the
22 agency, since 2014, in our Office of Marine Fisheries.
23 Paul holds a Bachelor's Degree in Environmental
24 Science from the University of Florida. He has a Master's
25 degree in Biology and his Doctoral degree in Biology with

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1 emphasis on Fish Ecology.

2 I would just like to make that announcement and  
3 make Paul welcome into his new role, and we look forward  
4 to having his guidance with the agency and with the  
5 Commission over the next few years, at least. Thank you  
6 very much.

7 Paul, are you around?

8 PAUL MICKLE: Yes.

9 COMMISSIONER GOLLOTT: Paul, stand up so  
10 everyone can see you.

11 PAUL MICKLE: Thank you.

12 JAMIE MILLER: One other item. When you came to  
13 the meeting this morning, we prepared for the  
14 Commissioners a binder. The binder includes all the  
15 updated rules and regulations that the Commission sets  
16 forth.

17 This is updated as of the last meeting, all the  
18 rules and regulations. It does not include State  
19 Statutes, but, moving forward as y'all amend any  
20 regulations for the agency, we will make sure that those  
21 get updated and you have a current copy.

22 Thank you.

23 COMMISSIONER GOLLOTT: Next we have Marine  
24 Patrol, Chief Davis.

25 KEITH DAVIS: Good morning.

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1 The report is pretty straight forward.

2 Do you have any questions?

3 COMMISSIONER HAVARD: Yes, Chief Davis.

4 Can you tell us a little bit more about the net  
5 violations?

6 There are a lot of concerns, a lot of questions  
7 about these seine nets that are out there.

8 Was this one of those violations?

9 KEITH DAVIS: That was this month's report. You  
10 will get that next month. It has not been adjudicated in  
11 court, but I will be happy to speak with you about it, if  
12 you want to, offline.

13 COMMISSIONER HAVARD: Thank you.

14 KEITH DAVIS: Thank you very much.

15 COMMISSIONER GOLLOTT: Thank you, Chief.

16 The Joe show is next. Joe Jewell.

17 JOE JEWELL: Thank you, Chairman.

18 Good morning Commissioners, Director Miller,  
19 Counselor Chestnut.

20 I, too, would like to welcome our Chief Science  
21 Officer in his new role. He certainly was an asset to  
22 Marine Fisheries, but I think he will be a greater and  
23 larger asset to the Department of Marine Resources.

24 On the agenda for consideration by the  
25 Commission are five items. First up is consideration of a

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1 State Red Snapper Recreational Season. That presentation  
2 will be done by Ms. Carly Somerset.

3 CARLY SOMERSET: Good morning Commissioners,  
4 Director Miller, Ms. Chestnut.

5 Today, I will be presenting consideration of a  
6 2017 Recreational State Red Snapper Season.

7 First, a few numbers for the upcoming 2017 Red  
8 Snapper Season. Here, for Red Snapper, the ACL, or Annual  
9 Catch Limit, is interchangeable with quota. They are the  
10 same thing. The ACT, or Annual Catch Target, is the ACL  
11 minus the twenty percent buffer.

12 The Gulf-wide Allowable Catch Limit for both  
13 sectors is thirteen point seven four million pound whole  
14 weight and the Gulf-wide ACL is split between the  
15 commercial and the recreational sectors, with the  
16 commercial at forty-eight point five percent and the  
17 recreational at fifty-one point five percent.

18 This makes the commercial quota six point six  
19 six four million pounds, and the recreational quota seven  
20 point zero seven six million pounds, with the ACT for the  
21 recreational quota at five point six six one million  
22 pounds.

23 Suballocation within the recreational sector are  
24 between private anglers and the federal for-hire sector.  
25 The private angling quota is four point zero eight three

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1 million pounds with a twenty percent buffer, making their  
2 ACT three point two six six million pounds.

3 The federal for-hire quota is two point nine  
4 nine three million pounds with a twenty percent buffer,  
5 making the ACT two point three nine five million pounds.

6 COMMISSIONER BOSARGE: Could you explain to  
7 everyone what that twenty percent buffer is for?

8 CARLY SOMERSET: Yes, sir. They set a quota,  
9 and, then, the twenty percent buffer is just for  
10 management purposes so that they don't go over and reach  
11 the quota for federal management purposes.

12 COMMISSIONER BOSARGE: I think it also takes  
13 into account what the states catch, when the season is not  
14 closed. I believe that's part of that twenty percent.

15 CARLY SOMERSET: For projections for seasons,  
16 yes, sir. They count for the state seasons as well.

17 COMMISSIONER BOSARGE: Thank you.

18 CARLY SOMERSET: For Mississippi's territorial  
19 waters, Mississippi State territorial waters are currently  
20 recognized, by the Federal Government, out to nine  
21 nautical miles seaward of the barrier islands for the  
22 purpose of reef fish fisheries management.

23 This was granted through the Omnibus  
24 Appropriations bill which is set to expire at midnight on  
25 April 27<sup>th</sup>, unless action is taken to extend it.

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The Mississippi State Legislature continues to recognize the nine nautical mile line seaward of the barrier islands as the official state boundary for the purpose of fisheries management.

We will continue to track the Omnibus bill, as we get closer to the 27th. It is coming up pretty soon.

Other than extending it, there are other avenues. Congress can pursue to keep the extended nine mile boundary in effect. We will keep track of them and make sure to update you-all accordingly.

This is an unofficial draft of the extended State territorial waters, showing the existing nine nautical mile boundary. Nine nautical miles is ten point three five seven statute miles.

This map was developed, in 2012 internally, just for discussion purposes. Louisiana and Alabama have recently released maps of the extended boundaries to the public.

This table shows the gulf states' 2016 state waters seasons and proposed, or announced, 2017 state waters seasons.

In Florida, they had an eighty-five day 2016 season and, for 2017, the FWC is considering a possible seventy-eight day recreational season similar to last year's season. They will be discussing this at their

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Commission meeting, starting tomorrow.

Alabama had a sixty-six day season, in 2016, opening on May 27th. They recently announced their 2017 season that will start on May 26th and go through July 31st.

Louisiana had a two hundred and fifty-four plus day season last year, opening January 8th, and this year it opened February 1st and it will remain open until further notice.

Texas, the 2017 season is year round, the same as 2016. A note on their bag limit and minimum length, they are at a four fish bag limit and fifteen inch minimum length.

COMMISSIONER BOSARGE: Could you tell us how many fish were caught for each one of those states during their state seasons?

CARLY SOMERSET: During the state seasons for this past year?

COMMISSIONER BOSARGE: Correct.

CARLY SOMERSET: Off the top of my head, I can't tell you right now, but I can get those numbers for you.

COMMISSIONER BOSARGE: Was it hundreds of pounds, or thousands of pounds, or millions of pounds?

CARLY SOMERSET: The Federal management is based off of MRIP. They have their numbers for what the states

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caught, but for us, with Tails n' Scales, I can tell you exactly what we caught. That is different than what MRIP says we caught, but I can provide you all those numbers.

MATT HILL: Commission Bosarge, what I can tell you -- I don't have the exact numbers, but for the 2017 projection, when we are talking about the state season, they basically penalize the states for approximately eighty percent of the allowable quota for the state seasons from last year. The states caught approximately eighty percent of the quota, in their state seasons, which is about twenty percent of the federal quota open for this season with a projection which is roughly around seven hundred thousand pounds which will move forward the potential federal season for 2016.

COMMISSIONER BOSARGE: If I understand correctly, we do Tails n' Scales and Alabama has a system and Louisiana has a system.

MATT HILL: That is correct. However, they are currently not using any of those numbers in their projections. They are still using the Federal MRIP system and, as I said, the projections -- for example, for Mississippi, they projected that Mississippi caught five percent of the quota in their state season last year, 2016. That is what they are using for their projection for 2017.

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COMMISSIONER BOSARGE: I think part of that is because Texas does not report any catch. They have no reporting system.

MATT HILL: Texas does report their catch. However, they do not report it in a timely enough manner in which they can include it into the projections.

COMMISSIONER BOSARGE: Do they actually have a reporting system?

MATT HILL: Texas has their own state reporting system. However, they hold their numbers some years up to eight to ten months. It is very difficult for NOAA to use these numbers, when they are not released, in their projections, when they are having to wait on them. They use the historical catch and do an average for it. Once they averaged all these state seasons up, it came up that the state season, in 2016, caught approximately eighty percent of the gulf-wide quota.

COMMISSIONER BOSARGE: Do they have a Tails n' Scales system?

MATT HILL: No, they have their own system, basically, very similar to --

COMMISSIONER BOSARGE: (Interposing) MRIP.

MATT HILL: It's very similar to MRIP, but it is a state-run MRIP system.

COMMISSIONER BOSARGE: Thank you.

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CARLY SOMERSET: For the 2016 recreational seasons, the federal private angler season ran from June 1<sup>st</sup> to June 11<sup>th</sup>. It was nine days, but Tropical Storm Colin caused some issues, so they decided to add an additional two days.

Federal permitted for-hire charters were able to fish from June 1<sup>st</sup> to July 16<sup>th</sup> for a total of forty-six days.

Our state season ran from May 27<sup>th</sup> to September 5<sup>th</sup>. That was a hundred and two days.

The total adjusted seasonal harvest from last year was a little over a hundred and thirteen thousand pounds.

The 2017 federal recreational seasons have not been announced yet. It should be announced on May 1<sup>st</sup>, but the start date is set at June 1<sup>st</sup>.

Internally, a season similar to last year has been discussed with Marine Patrol and the Executive Director, running from May 26<sup>th</sup> to September 4<sup>th</sup>, a hundred and two days, but we would like to keep the options open and flexible, based on the circumstances I mentioned earlier. Florida has not announced their state season yet and the federal season will be announced on May 1<sup>st</sup>.

Our anglers seemed to like last year's season. It was successful and I think they really appreciated it.

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With that, the recommendation is to grant the Executive Director the authority to open and close the recreational Red Snapper season in the territorial waters of the State of Mississippi with staff recommendations.

COMMISSIONER GOLLOTT: We have a couple of people that would like to speak to this.

Ryan Bradley, would you come up, first?

RYAN BRADLEY: Good morning Commissioners.

Thank you for allowing me the chance to speak today. My name is Ryan Bradley. I'm a fifth generation commercial fisherman right here in Mississippi. I'm also the director of the Mississippi Commercial Fisheries United which consists of local commercial fishermen, fishing businesses and consumers of the goods we provide.

I would like to make a recommendation, or a proposal, today with regard to the management of Red Snapper in state waters.

Currently, our commercial hook-and-line fishermen have zero access to sell the Red Snapper in our state waters. We just really think it's unfair and not equitable to open up a recreational only season and not include our state licensed hook-and-line guys.

Furthermore, we let the IFQ boats come in here with no limits, no daily trip limit. They can catch up to forty, or fifty, thousand pounds of shrimp right here in

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state waters, and there is nothing to stop them.

The Omnibus bill that was referred to by Ms. Carly, there is a section in it, and I want to read it to you. It's Section 110, and that prohibits the Commerce Department from using funds for management activities pursuant to the Fishery Management Plan for the reef fish resources of the Gulf of Mexico, unless the management is conducted beyond the seaward boundary that is nine nautical miles seaward from the baseline from which the territorial sea of the United States is measured.

NOAA has no authority to manage our resources out to nine miles, currently. I think we fought hard to get this nine miles. I think we should keep fighting to keep it. How the Commission can do that is by strongly suggesting that.

We have come up with some pretty detailed solutions on how we could allow for a commercial season in state waters. It would be at the great benefit of our local residents and our local restaurants. Right now, these local restaurants can't even get fresh Red Snapper down here.

To have the ability for our guys to go out and catch a fresh product and be able to serve it right here fresh on the Coast, it would boost tourism, it would boost the economy, and it would help these commercial fishermen,

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right now, that are struggling from this oyster season.

We have thrown in the white towel. We are not going to have any oysters for a few years. We recognize that. It is not looking good.

This would be an avenue to ease up that burden and allow these guys to catch a small daily trip limit, similar to what we had in 2011 and 2012. We had a two hundred pound trip limit for commercial hook-and-line fishermen, and we could easily bring that back. We have the precedent to do so.

I would like to see the Commission, somebody make a motion to prohibit commercial fishermen of IFQ vessels, currently licensed IFQ vessels, in state waters, until we have a daily trip limit in place.

As far as regulating the commercial side, we could do it similar to the Spotted Seatrout endorsement; make a real limited entry. Right now, I think it's a five thousand dollar threshold to get the Seatrout endorsement. We could bump it up to ten thousand. That way, we've got bonafide commercial fishermen doing this who have a chance to make a living.

They are hurting, right now. No oysters. Shrimp have been bad for years. We need the Commission to help these commercial fishermen on this.

With that being said, I would like to answer any

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1 questions you may have.

2 COMMISSIONER BOSARGE: I appreciate you fighting  
3 for the commercial fishermen and trying to get something  
4 for them. I may be wrong, but I believe we can't do an  
5 action item for something that is not on the agenda.

6 In other words, if you really want to pursue it,  
7 you may have to get it on the agenda, and, then, we could  
8 actually possibly do something.

9 RYAN BRADLEY: I think, when you get to the end  
10 of the meeting and go to other business, you can discuss  
11 it, if y'all so choose to do that.

12 JOE JEWELL: I think that's a question our  
13 attorney has to answer, but I think it is an item that  
14 would have to be on the agenda and review for public  
15 comment.

16 Sandy, the attorney, will need to answer that  
17 question.

18 SANDY CHESTNUT: That's correct, Commissioner  
19 Bosarge. An action item would have to be on the agenda.  
20 It has to go out on public notice, before we can take  
21 action on it.

22 There are a lot of issues in what Mr. Bradley is  
23 proposing that really need to be vetted out, when you are  
24 talking about Federal law and we could be in violation of  
25 Federal law, if we do some of these things.

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1 This is something that needs a lot of research  
2 and a lot of vetting out, before we take any action on it.

3 COMMISSIONER BOSARGE: I can tell you it is very  
4 complicated, what you are wanting to do because it  
5 involves federal waters versus state waters. Right now,  
6 by law, we only have three miles.

7 Now, when April 27<sup>th</sup> comes around, we don't know  
8 what is going to happen. Right now, we have jurisdiction  
9 of reef fish out to nine miles, but, on April 27<sup>th</sup>, we may  
10 not.

11 There is a lot involved in that.

12 RYAN BRADLEY: I just want to make one more  
13 comment.

14 When you set this recreational season, these IFQ  
15 boats, they come right over here before the season opens  
16 and they fish as hard as they can and try to catch all the  
17 resources in our state waters. If you don't stop that,  
18 you might as well just not even open it at all.

19 Another thing that is happening because you're  
20 giving all this to the recreational fishermen, that is  
21 making the federal season shorter. We are already looking  
22 at a three-day season for the recreational fishermen. It  
23 is not going to affect me because I don't have any access  
24 to the Red Snapper right now, but, when you open that  
25 state season, you are going to shorten that federal season

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1 that is already three days.

2 If you get us commercial guys in play, you are  
3 going to have to take some of that state and transfer it  
4 to the commercial. That is going to give these federal  
5 recreational guys in federal waters more days to fish.  
6 That is something y'all ought to think about.

7 With that being said, that's all I've got today.

8 COMMISSIONER GOLLOTT: Thank you, Mr. Bradley.  
9 Jason Privett.

10 JASON PRIVETT: I would just backup what Mr.  
11 Bradley was saying. We have had a rough oyster season.  
12 It has been tough to make a living.

13 If you could at least look into putting it on  
14 the agenda, maybe we could get some work in the  
15 wintertime. During the off season when the recreational  
16 folks aren't fishing, get us out there and give us the  
17 opportunity to make some money. Use our local resources  
18 within the state. Thank you.

19 COMMISSIONER GOLLOTT: Thank you, sir.  
20 Joe, let me ask you a question.

21 This is for recreational only, isn't it, that we  
22 are looking at today?

23 JOE JEWELL: It is. It's for recreational only.

24 The motion is to grant the Executive Director  
25 the authority to open and close a Recreational Red Snapper

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1 Season in the territorial waters of the State of  
2 Mississippi, with staff's recommendations.

3 COMMISSIONER GOLLOTT: I would like to make that  
4 motion that we give the Executive Director the authority.

5 One more question that Steve hit on.

6 Do we have the authority to go out, now, or is  
7 that something coming in April?

8 COMMISSIONER BOSARGE: The way I understand it,  
9 right now, we have the authority to manage reef fisheries  
10 within nine miles, but April 27<sup>th</sup> is when that right goes  
11 away, unless it is put back into another bill and  
12 approved.

13 Correct?

14 JOE JEWELL: Correct.

15 There are several things that can happen. Of  
16 course, you know the State of Mississippi has a state law  
17 that recognizes the boundary, but the state does not have  
18 jurisdiction over federal waters. That will have to be  
19 resolved in a higher court, either the congress, or the  
20 Supreme Court.

21 That is not an officially recognized boundary.  
22 Our boundary currently is out to three miles, with the  
23 exception, as Steve said, the Omnibus bill carries it out  
24 to the 27<sup>th</sup> for reef fish only to nine miles.

25 COMMISSIONER GOLLOTT: So these IFQ boats -- I'm

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1 just curious -- we can't stop them from fishing in these  
2 waters, since we are regulating it?

3 JOE JEWELL: They have federal permits that  
4 allow them to catch a certain amount of the Red Snapper  
5 quota on the commercial segment of it.

6 The commercial and recreational don't cross  
7 over. They are separated. On the commercial end, they  
8 have fifty-one percent allotted for them on an annual  
9 basis, and that allotment is segmented out through the IFQ  
10 program.

11 COMMISSIONER BOSARGE: Forty-eight percent, Joe.

12 JOE JEWELL: Forty-eight point something.

13 They get an allotment through the IFQ program.

14 COMMISSIONER GOLLOTT: Since we have permission  
15 to regulate this, there is no way we can keep them out of  
16 there?

17 COMMISSIONER BOSARGE: I'm going to make a  
18 statement. In my opinion, it is an effort in fruition.  
19 They don't fish inside the nine miles. They have to  
20 report their catch, they have to report where they caught  
21 their catch and just go look. This is not where they are  
22 fishing.

23 COMMISSIONER GOLLOTT: I will take your word for  
24 it.

25 JOE JEWELL: They have pretty strict rules.

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1 They have to fish, I think, from 6:00 a.m. to 6:00 p.m.  
2 They have a lot of regulatory processes in place. They  
3 have to report where they fished. There are a lot of  
4 regulations that are keeping them very accountable.

5 COMMISSIONER BOSARGE: They have transponders.

6 JOE JEWELL: They know exactly where they  
7 fished. They even have to report if they take their boat  
8 recreational one day to the islands. They have to report  
9 where they are going.

10 COMMISSIONER HAVARD: Joe, I'm going to have to  
11 interject, not to be argumentative with Steve, but those  
12 boats do fish within that area at times and, generally,  
13 that is just prior to the recreational season, when they  
14 are working that southern boundary.

15 JOE JEWELL: We do have some catch reports.  
16 It's not a lot of effort, but there is some effort out  
17 there.

18 COMMISSIONER HAVARD: That's correct.

19 COMMISSIONER GOLLOTT: We have a motion to let  
20 the executive director coordinate with the rest of the  
21 states and do whatever is best for Mississippi.

22 Can I get a second on that?

23 COMMISSIONER HARMON: I will second that motion,  
24 Mr. Chairman.

25 COMMISSIONER GOLLOTT: We have a motion and a

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1 second.

2 All those in favor say aye.

3 (Commissioner Gollott, Commissioner Harmon,  
4 Commissioner Havard, Commissioner Trapani in favor.)

5 COMMISSIONER GOLLOTT: Opposed?

6 COMMISSIONER BOSARGE: I'm going to abstain  
7 because I have feelings both ways on this.

8 COMMISSIONER GOLLOTT: Okay.

9 Motion carries.

10 JOE JEWELL: Thank you, Commissioners.

11 Next up for your consideration is a modification  
12 to Title 22 Part 7, a size change for consistency with the  
13 Greater Amberjack, and that will be presented by Mr.  
14 Travis Williams.

15 TRAVIS WILLIAMS: Good morning Chairman,  
16 Commissioners, Director Miller, Ms. Chestnut.

17 Today for your consideration is a consistency  
18 change to Title 22 Part 7 Chapter 8. It's a recreational  
19 size limit change to Greater Amberjack.

20 Here we have the NOAA Fisheries Bulletin that  
21 announces the changes to Greater Amberjack management  
22 measures in the Gulf of Mexico. It basically states that  
23 there was an increase in the minimum recreational size  
24 limit from thirty inches fork length to thirty-four inches  
25 fork length (indicating slide).

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1 For the record, the recreational size limit  
2 change will read as follows for Title 22 Part 7 Chapter 8  
3 Section 102 Subsection 102.04, Recreational Bag,  
4 Possession and Size Limits:

5 "102.04. Greater Amberjack thirty-four (34)  
6 inches fork length."

7 If there aren't any questions, what is required  
8 is a motion for Notice of Intent to Amend Title 22 Part 7  
9 Chapter 8 Section 102 Subsection 102.04, Recreational Size  
10 Limit for Greater Amberjack.

11 COMMISSIONER GOLLOTT: Do we have a motion on  
12 this item?

13 COMMISSIONER BOSARGE: I'll make a motion for  
14 Notice of Intent to amend Title 22 Part 7 Chapter 8  
15 Section 102 Subsection 102.04, Recreational Size Limit for  
16 Greater Amberjack.

17 COMMISSIONER GOLLOTT: Can I get a second on  
18 that?

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

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

23 All those in favor say aye.  
24 (All in favor.)

25 COMMISSIONER GOLLOTT: Opposed?

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(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

COMMISSIONER BOSARGE: I have a question.

The reason for changing the size limit?

TRAVIS WILLIAMS: When they did some of the management measures, they looked at increasing the size limit from thirty to thirty-four inches, based on a lot like what y'all voted for with the Spotted Seatrout. They found that the fish at the thirty-inch size limit, only around eleven, or twelve, percent of those were actually spawning capable. When they looked at the thirty-four inch size fish, they found that eighty-five percent of those were spawning capable.

COMMISSIONER GOLLOTT: Thank you.

TRAVIS WILLIAMS: Thank you.

COMMISSIONER GOLLOTT: Mr. Jewell.

JOE JEWELL: Next on the agenda for your consideration is the Oyster Management Plan. I will be presenting that for your consideration.

As y'all may recall, I did this the last couple of Commission meetings. I have revised this presentation. It is almost the same one I did last Commission meeting, with some updates to it.

Again, oyster management can be considered sort of a three-prong effort, like a three-legged stool. It

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consists of compliance, replenishment and restoration, and an oyster harvest strategy.

I'm going to go over these real briefly because, like I said, we have gone over these at the last Commission meeting. I will spend some time on the update.

The compliance component really is what we do internally, our water sampling and area classification and our management plans.

Our replenishment and restoration, this is where I will spend some time with some updates.

Our cultch plants, we do a lot of those, and we have issued an eight hundred thousand dollar contract. We have focused in on five particular sites.

Henderson Point, there are four potential areas we are looking at.

Pass Marianne, there is one site.

St. Joe, there are three potential sites we are looking at.

Waveland, there is one site.

Pass Christian, this really should say two tonging sites. One of them is right on the edge of the dredging reef.

Option B, the Conservationist. We've got some update on that. We are looking at replenishing Biloxi Bay and Pascagoula through cultch plants with the

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Conservationist.

Relays. The Pascagoula Causeway Reef, again, that is really the only place where we have significant resources to do a relay from.

Option A is Biloxi Bay. That is sort of the internal staff's preferred option.

Then, Option B is the Western reefs. It is certainly a viable option.

Option A is preferred by the staff. It is the shortest more economical route that will have the greatest impact.

Again, we also considered remote set facilities and oyster leases.

Here is the original plan that we submitted for your consideration, at the last commission meeting. We had about three hundred and seventy-three originally, but, right now, the way we are going to deploy, we are going to have about three hundred and fifty acres. This was the original plan. That shows that little white square, about how big an area we can cover (indicating slide).

These are the sites that I mentioned a little bit earlier (indicating slide).

There are the four sites that we are considering at Henderson Point.

Here are the two sites at Pass Christian. As

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you can see, they are both on the tonging reef. The lower one, the southern edge is right on the edge of the dredging reef.

This is the site at Pass Marianne. I mentioned it's at that southeastern corner. We are trying to get on Pass Christian.

As y'all may recall, in our previous presentations and season opening updates, Pass Marianne had some significant resources that could have contributed to the season, but we had a significant mortality event on Pass Marianne that affected it more than other reefs. We are trying to replenish this reef because, in the past, this is where some of the most significant oyster resources came from in the State of Mississippi.

The St. Joe area, the Commission expressed some consideration for this reef because we did some significant relays from there. These are the three sites we are considering for St. Joe.

This is the Waveland Reef area where we are going to do some cultch planting.

Then, here we are at Biloxi Bay. This is the, original plan we presented last month. Again, this area we have updated. We are going to use the Conservationist. Through the staging site on the Industrial Canal, we are going to replenish this area, and the Pascagoula Reef.

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We got a little bit better shots of the staging site and the shell that we purchased in advance of the activity for Biloxi Bay. That is approximately four-hundred-and-fifty yards of oyster shell. There are a couple different shots (indicating photographs).

These are relay activities that we plan, as part of our approach. These are the areas that we can potentially replay to (indicating map).

Again, I showed you this map from the last presentation. That shows the distances between the Pascagoula Causeway Reef and Biloxi Bay, and the distances between the Pascagoula Causeway Reef and the western reefs in the Pass Christian area.

Again, these are the remote set facilities at Gulfport and there are plans in place to almost double the capacity of this project.

This project is really a good project in helping us replenish the oyster reefs. They require shell, and we have some of those at the staging site in Gulfport. At our Aqua Green facility, they set oyster spat on them in these cages, and, then, they move them to the Gulfport facility where there are currently two tanks, but they are going to expand to four tanks, until they grow out, and, then, our staff comes and gets those oysters and plants them on the reefs.

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Last year, we planted most of those in the Biloxi Bay area, but, as they expand, we intend to expand our operations to other reefs to incorporate this activity.

Finally, we have our private leases. These are the major ones that are in place, right now, but there are four pending leases that will almost double the size of our private leases (indicating map).

The oyster harvest component, the strategy component, this is where we spent some time at the last Commission meeting.

Alternative one is the status quo, and that is the way we managed it in really the distant past. Typically, we would open in October of each year and we tried to close in April.

We did conduct field sampling to monitor resources throughout the season, and pressure was measured by the decrease in landings.

We really managed the season by reducing daily sack limits to try and stretch the season out as long as we could. That is traditionally how we managed the season.

Alternative two would be management by quotas, and there are two alternatives.

Option one is the quota by regions which is an

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entire area, like, placing a quota on Biloxi Bay, or Pass Christian Reef.

Option two, the one the staff prefers and is recommending, is the quota by area. Establish one for a specific area, like, the St. Joe Reef, or the Biloxi Shearwater Reef, so that we can monitor specifically the pressure that is being applied to those resources, and we can monitor that pretty carefully through our trip ticket program.

what would be required for the Commission to adopt this oyster management plan is a motion to adopt the plan with these preferred options.

COMMISSIONER GOLLOTT: Thank you, Joe.

Before we do that, let's let a few of these people speak that want to.

Ms. Thao Vu, do you want to come up and talk?

THAO VU: Good morning Commissioners, as well as Director Miller. Thank you for allowing me the opportunity to comment on this.

To give some context, recently the agency held an oyster workshop on March 20, 2017.

We want to submit, for the public record, a letter.

At that workshop, we had a group of fishermen. We found out at the last minute that there was going to be

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this oyster workshop. It was very, very problematic for us.

We submitted our comment letter, as well as this right here which I think all of you have a copy, and I hope you had sufficient opportunity to review. This is our Mississippi Oyster Management Plan, our fishing community proposal, 2017 and beyond, dated March 20, 2017. We greatly implore the Commissioners to adopt our plan.

Today is April 18<sup>th</sup>, 2017. In two more days, April 20<sup>th</sup>, 2017, is a very, very important day. It marks seven years since the BP disaster.

Everyone here knows. The agency and the Commissioners know how horrible it has been for the fishing community and the several fishermen who are sitting behind me.

We greatly need you to adopt our plan. This is from years of our experience on the water, traditional ecological knowledge and observations not only the past several years, but many decades before. Many old-time fishermen contributed to the recommendations in our plan, not only from us, the advocates, or those who work in the organizations, but from real comments by fishermen.

We greatly need you to adopt this, and give us the opportunity to help you restore these reefs, help improve the water quality, improve oyster production and

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1 ultimately help our fishermen, not only our fishermen, but  
 2 our local, regional and national economy. That is why it  
 3 is critically important to adopt this plan, and that is  
 4 why we are here, to reiterate the importance of adopting  
 5 this plan and letting us work with you on it.

6 We have several key recommendations in here that  
 7 we think are very, very scientifically robust. It is  
 8 based on a lot of experience and it is something, I think,  
 9 that we could work with you on the further details of it,  
 10 how to implement some of these recommendations.

11 If anyone has any questions, I will be glad to  
 12 answer them.

13 COMMISSIONER BOSARGE: How does your plan differ  
 14 from this plan?

15 THAO VU: The first item on our plan was that we  
 16 do not support any limestone cultch planting projects. We  
 17 don't believe this has successfully produced oysters.

18 We were informed, by Mr. Gordon last year at a  
 19 community meeting, that Mississippi spent more money, more  
 20 funds than any other Gulf state for cultch planting  
 21 projects, but we don't see it on the ground, in terms of  
 22 producing higher oyster production, because on average in  
 23 the past seven years I think there have only been maybe  
 24 fifty thousand sacks that have been harvested.

25 That is a horrible number compared to what we

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1 had, three hundred thousand and four hundred thousand  
 2 sacks, before BP and after Hurricane Katrina.

3 Our second very important recommendation is that  
 4 we greatly need to put the oyster shells back on these  
 5 reefs. We can't reiterate the vital importance of that.

6 We used to have a law. Shells used to go back  
 7 on the reefs, but the law was changed and, since then, we  
 8 think that has led to the serious depredation of these  
 9 reefs.

10 Our other key recommendation is to support  
 11 bagless dredging for oyster reef cultivation, and here is  
 12 why.

13 Last year, we had significant mortality on the  
 14 oyster reefs in the Western Sound, particularly in the  
 15 Pass Christian area. We know there are a lot of shells  
 16 from these mortality events, and this is the perfect  
 17 opportunity, as long as it's after spring and before the  
 18 fall spawning period, to implement a bagless dredging  
 19 project.

20 Another recommendation we had was to support an  
 21 oyster management plan that adopts opening these reefs on  
 22 a rotating basis, and there is an actual Mississippi Code  
 23 and Law stating that, and it's on page two of our  
 24 recommendation. We think that is very important to rotate  
 25 and not just to allow us to focus on one area in the

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1 western Sound near Pass Christian, but think about Jackson  
 2 County and all three counties involved.

3 Our fifth key recommendation is that all the  
 4 Mississippi commercial fishermen should have preference on  
 5 contract opportunities for all oyster restoration projects  
 6 in the State of Mississippi. That is critically  
 7 important.

8 They are not asking for a handout. They have  
 9 the experience. They have decades of experience to do  
 10 this. They should be given first priority for oyster  
 11 relay and bagless dredging projects. Use their boats,  
 12 their crews.

13 Additionally, in our research, the state law  
 14 states that if DMR, this agency, was to contract with the  
 15 fishermen, as long as they have less than five employees,  
 16 they do not need to have insurance.

17 Our sixth recommendation is regarding oyster  
 18 aquaculture activities. We do have serious significant  
 19 concerns about it. However, we recommend, in our  
 20 recommendation, that DMR post some of these community  
 21 meetings for us and provide some additional information  
 22 for us on the feasibility, if it will be feasible and how  
 23 the fishing community could be involved.

24 Our seventh recommendation is to establish a  
 25 Mississippi Oyster Task Force with commercial fishermen

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1 representation, modeled after the Louisiana Oyster Task  
 2 Force.

3 In 2015, the governor formed the Oyster Council.  
 4 However, it lacked robust representation and input from  
 5 commercial fishermen. Many of the members of the  
 6 Governor's Oyster Council are not fishermen, and that is  
 7 something that we have serious concerns about.

8 Our last key concern is regarding water quality  
 9 and the impact on these traditional oyster reefs, due to  
 10 past and present Army Corps of Engineers projects,  
 11 specifically how the Army Corps of Engineers, they have a  
 12 frequency of opening the Bonnet Carre Spillway, and the  
 13 permanent closing of the Mississippi River Gulf outlet has  
 14 greatly impacted the salinity level of our oyster reefs  
 15 here in Mississippi, and that has led to a lot of the  
 16 environmental issues we are having.

17 That is a summary of our plan.

18 COMMISSIONER BOSARGE: Thank you.

19 THAO VU: Are there any other questions?

20 COMMISSIONER GOLLOTT: I think that's it. Thank  
 21 you.

22 THAO VU: Thank you.

23 COMMISSIONER GOLLOTT: Mr. Ryan Bradley, again.

24 RYAN BRADLEY: I yield my time.

25 COMMISSIONER GOLLOTT: Steve Shepard.

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1 STEVE SHEPARD: My name is Steve Shepard. I'm  
2 the Gulf Coast chair of the Sierra Club. I'm representing  
3 the Sierra Club today.

4 My objection to the Oyster Management Plan --  
5 and I can't say that I see the details -- is I don't want  
6 to see inshore reefs stripped of marketable oysters,  
7 especially with dredges.

8 If you were going to go to inshore reefs, please  
9 let the tongs do it.

10 My concern isn't directly trying to create more  
11 jobs -- although I think tonging would create more jobs --  
12 but the fact that these dredges are so destructive. I  
13 have seen it in my own life.

14 Now, consider the speckled trout. You've got a  
15 speckled trout that everyone here admits is in trouble.

16 Why would you go to those inshore reefs where so  
17 many speckled trout are dependent on the habitat and send  
18 in those dredges?

19 Now, supposedly, you are going to restore  
20 afterwards, but I say you are mitigating, when you go back  
21 in and try to restore after a dredge.

22 Let's say you go to our inshore reefs. You tong  
23 the reef. You cull what you don't want. You keep what  
24 you want. What you cull is thrown right back overboard.  
25 You're not doing much damage, if any damage, to the reef.

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1 The dredge comes in and plows a furrow and, in  
2 my own experience, when I've seen the reefs that I fished  
3 on growing up, when they get plowed, it is devastating.  
4 You literally have to wait until somebody goes out there  
5 and hurries up and lays out some fresh shell to get  
6 something going again, in order for the reef to have any  
7 usefulness.

8 Obviously, the sea life -- it's not just an  
9 oyster question, and that's why the environment matters.

10 I'm asking my environmental representative to  
11 represent the environment. Unless you can find  
12 environmental people that want our inshore reefs dredged,  
13 I want my environmental representative to vote against any  
14 management plan that dredges any of our inshore reefs.  
15 That's what I'm asking for.

16 I know that the majority here can vote for a  
17 management plan, and I will throw you an alternative.

18 It bothers me that this push is to take the  
19 marketable oysters off our inshore reefs. Those are the  
20 ones that do most of the reproducing.

21 We just heard about the Amberjack. That's the  
22 case with all this sea life. The bigger is more  
23 reproductive.

24 We pull the ones that are most reproductive off  
25 our inshore reefs, and our inshore reefs are not in great

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1 shape. No one is going to tell me they are because I keep  
2 an eye on them, at least in my area, and I'm glad to say  
3 there are some baby oysters showing up, after a number of  
4 years where they were almost absent, but we don't have  
5 inshore reefs that are in great shape.

6 It's not like nobody fishes them and they are  
7 just piled high and an old man comes in and says, yes,  
8 these reefs look as good, or better, than they did when I  
9 was a kid.

10 They don't look better. They are in worse  
11 shape.

12 Now, we are going to take the ones that  
13 reproduce and take them out and purify them and market  
14 them is my understanding.

15 Why not send the tongs in, let them select a  
16 slot limit of oysters, maybe two to three inches, hand  
17 pick them, pay them by the sack, but take some that are a  
18 little bit undersize and take them to your commercial  
19 reefs and let them grow up on your commercial reefs.

20 I'm throwing you an alternative because it is  
21 very bothersome to me to think that you are going to go  
22 out there and pick out the best oysters off our inshore  
23 reefs, take them out and sell them, and somehow the  
24 oysters in Mississippi are going to prosper in the future.  
25 We are in a hard time, right now, but somehow this plan is

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1 going to make the oysters flourish.

2 To me, we should be very careful with what we  
3 are doing with oysters, right now, and see if we can get  
4 them to come back, and that goes for inshore as well as  
5 offshore.

6 We have an ecological question, when you start  
7 messing with oysters. You've got a problem with the level  
8 they're at, now. They're not at a good level, now. We  
9 are all know that, or we wouldn't be reaching out and  
10 trying to figure out where to get oysters from.

11 That's all I really have to say is I object,  
12 unless we can find evidence that the inshore reefs are  
13 going to be handled responsibly and, from an environmental  
14 standpoint, tonging is possible. Dredging is bad.

15 COMMISSIONER GOLLOTT: Mr. Shepard, can I offer  
16 you something?

17 In 49-15-37 of the State Law, the legislature  
18 says we shall dredge oysters where they are too thick and  
19 put them where they are too thin.

20 Here's the law, if you would like to have it  
21 (indicating document).

22 STEVE SHEPARD: I'll look at it.

23 (Document handed to Steve Shepard by  
24 Commissioner Gollott.)

25 COMMISSIONER GOLLOTT: It has been proven that,

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1 when you dredge oysters where they are thick, it makes the  
2 oyster reef produce a lot more and come back greater.

3 Thank you, sir.

4 STEVE SHEPARD: Thank you.

5 COMMISSIONER GOLLOTT: Does anybody else have  
6 any questions for Mr. Shepard?

7 (No response.)

8 COMMISSIONER GOLLOTT: Chris Lagarde.

9 CHRIS LAGARDE: I was going to speak to the  
10 basket dredge issue.

11 COMMISSIONER GOLLOTT: Sir?

12 CHRIS LAGARDE: I'll wait for the basket dredge  
13 issue.

14 COMMISSIONER GOLLOTT: Okay.

15 This Oyster Management Plan, I like the  
16 alternative one where we continue to manage the reefs as  
17 we have in the past. It has worked for the last twelve  
18 years that I've been on here where we watch it and we  
19 watch the fishermen because a lot of these reefs, our  
20 staff doesn't know where they are and the fishermen go out  
21 and find the reefs. Admittedly, we find reefs where they  
22 didn't know they existed.

23 Until we've got proof that our staff really has  
24 a grasp on this, I would like to keep it as status quo.

25 The rest of it -- and this is just my opinion --

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1 St. Joe is a great place to plant. They have come back in  
2 St. Joe time and time again.

3 The only thing that damages St. Joe really --  
4 and it has to be an extended period -- is opening the  
5 Bonnet Carre Spillway.

6 I think relaying to Biloxi Bay is the most  
7 feasible option from Pascagoula. It takes half the time  
8 and half the money to do it, to relay a reef, and starting  
9 a dredging reef in Biloxi Bay is something we need to do.

10 JOE JEWELL: If the Commission so chooses to  
11 adopt this plan, all those alternatives are available to  
12 the Commission, at any time that they choose to implement  
13 a particular program for that year.

14 The ones that are highlighted are just the ones  
15 that the staff prefers. The Commission can not highlight  
16 those, or highlight other ones, or leave them all open as  
17 options.

18 All the ones that are proposed as alternatives  
19 are available for the Commission's consideration  
20 throughout the oyster season as management options.

21 COMMISSIONER BOSARGE: We talk about this as a  
22 management plan. I think it's more of a strategy.

23 There seems to be several ways to look at oyster  
24 management, rotating crops being one of them, but over the  
25 years I've watched the way we managed oysters and I have

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1 seen where the resource has gone. I have to surmise that  
2 we're not doing something right.

3 In my opinion, we need to look at a different  
4 management strategy, and I think what the staff has come  
5 up with, the quota system, I believe that's a good  
6 strategy. I think that it will protect the reefs that we  
7 have resource on and, at the same time, I agree with Mr.  
8 Shepard in that we don't need to just go dredging inshore  
9 reefs, but I do think we need to move some oysters, and I  
10 think the easiest and most economical way is to relay, as  
11 long as we don't take but a certain percentage and we go  
12 back and we try to replenish that reef with cultch  
13 materials.

14 I think a little bit of dredging is good at  
15 times, on these reefs that haven't been touched in a long  
16 time.

17 In my opinion, I feel like what the staff has  
18 recommended would be a good start for a management  
19 strategy.

20 JOE JEWELL: The plan, the idea of where we are,  
21 now, is not to eliminate public comment like Mr. Shepard  
22 put in. We actually would encourage that.

23 The plan as it is, right now, is not for the  
24 Commission to adopt a specific management strategy, at  
25 this time, because you're correct. There are a lot of

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1 strategies in there.

2 The idea for this plan for it to work for the  
3 Commission to have incorporated a lot of different  
4 management styles, a lot of different management  
5 strategies is to keep sort of a high level and have as  
6 much variability within the plan as possible.

7 Now, should the Commission choose to adopt it,  
8 there still is the option the Commission can change it.

9 That doesn't mean that when we get to August, or  
10 September, of this year, when the Commission has to make a  
11 choice of options, that the Commission doesn't have the  
12 flexibility to choose option one alternative one, or  
13 option one alternative two.

14 That is where there is going to be considerable  
15 debate on do we go with status quo, or do we go to a quota  
16 by area, or a quota by season, but that discussion is for  
17 August and September.

18 This discussion is sort of this high level, we  
19 want to a plan, or a strategy, to approach the season.

20 COMMISSIONER GOLLOTT: So what do you need, Joe?  
21 Do you need a motion that we adopt the strategy?

22 JOE JEWELL: This is the plan the Commission  
23 wanted us to come up with, a plan that would adopt an  
24 overall view that all the Commissioners could agree upon  
25 as they approached the season, and this is what the staff

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1 has come to the Commission with.

2 COMMISSIONER BOSARGE: We all know where we are  
3 with oysters. We are mostly in rebuilding. We are trying  
4 to rebuild what we have to try to build a resource that we  
5 can work from.

6 Some of the things that Ms. Vu spoke of, oyster  
7 shells, trying to get the shells back, we all know that.  
8 We all know that we need to work towards those things.

9 I think, right now, we need to look at a  
10 strategy to try to rebuild these reefs and to let them  
11 rebuild.

12 That's why I think that strategy of quota, only  
13 taking a certain percentage off of each reef is a better  
14 strategy than just letting the fishermen do kind of like  
15 we did last year and take almost all the oysters off of  
16 one spot. It just doesn't make sense to me. I think  
17 that's what we've been doing for years and years, and it  
18 doesn't work.

19 JOE JEWELL: This plan doesn't eliminate that  
20 strategy. It doesn't eliminate the strategy that  
21 Commissioner Gollott spoke about. It doesn't eliminate  
22 the comments that Mr. Shepard made.

23 The Commission certainly has the flexibility, on  
24 this plan, to say these areas can be tonged only, or these  
25 areas can be dredged in a limited way.

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1 It certainly comports to most of the strategies  
2 that were mentioned in Ms. Vu's plan. The only strategy  
3 that it would not support is the abolition of no  
4 limestone. We do not support that, at this time, but the  
5 concept of deploying shell, as much shell as possible, we  
6 absolutely agree with.

7 COMMISSIONER GOLLOTT: Then, I will make the  
8 motion that we adopt the Oyster Management Plan as  
9 written, and we can modify it, as I understand it, as we  
10 go.

11 JOE JEWELL: That's correct.

12 COMMISSIONER GOLLOTT: I will make the motion.  
13 Can I get a second on it?

14 COMMISSIONER TRAPANI: I will second it.

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

17 All those in favor say aye.

18 COMMISSIONER BOSARGE: Can we get some  
19 clarification?

20 I don't quite understand what your motion meant.

21 JOE JEWELL: I think he has motioned to adopt  
22 the plan as it is presented here, with the understanding  
23 that the Commission has the flexibility to change  
24 alternatives as they move and approach the oyster season,  
25 or at any time.

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1 Essentially, he is saying that he is adopting  
2 the staff's recommendations.

3 COMMISSIONER GOLLOTT: We are accepting the  
4 whole management plan, and, then, we can refine it as we  
5 go.

6 Is that correct?

7 JOE JEWELL: Correct.

8 COMMISSIONER GOLLOTT: We have a motion and we  
9 have a second.

10 Any more comments, or questions?

11 (No response.)

12 COMMISSIONER GOLLOTT: All those in favor say  
13 aye.

14 (All in favor.)

15 COMMISSIONER GOLLOTT: Opposed?

16 (None opposed.)

17 COMMISSIONER GOLLOTT: Motion carries.

18 JOE JEWELL: Next up for your consideration is  
19 consideration of Basket Dredge Ban. This is an item the  
20 Commission asked to be on the agenda.

21 It has been considered, by the Commission, since  
22 2014. As you know, we discussed this at a previous  
23 meeting. We have conducted two public hearings on it, and  
24 I'm going to go through this real quickly for you.

25 These slides that I have in here I have taken

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1 from previous presentations we have given to the  
2 Commission.

3 There are two types of basket dredges for your  
4 consideration. The basket dredge you see on your left is  
5 a sturdy metal cage. A portion of the cage sits over the  
6 top of the dredge teeth which is some of the concerns that  
7 it disproportionately puts weight on the teeth and weighs  
8 it down (indicating photograph).

9 The dredge on the right is the bag dredge that  
10 is primarily being used on the reefs right now, and you  
11 can see it has a flexible nylon net in it (indicating  
12 photograph).

13 I thought the Commission asked a considerable  
14 amount of questions about this, so we went out and looked.  
15 There are some potential alternatives to the two types of  
16 dredges that are used here in Mississippi. There are two  
17 different type dredges I want the Commission to consider.

18 This one is one that is used a lot in Chesapeake  
19 Bay. If you will look on the left there, it looks almost  
20 exactly like the bag dredges we use here in Mississippi.  
21 They call it a purse seine dredge. The bag has, at the  
22 end, a flexible metal hinge where it opens like a purse.  
23 You will see the guy on the right-hand side has hold of  
24 that hinge and, once he dumps the bag, it will flip back  
25 over and he will put that hinge in it. I have a video

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1 that I can show y'all.

2 The only difference is that these are the type  
3 boats they use, on the right side. They had to modify the  
4 gear to pull that dredge all the way out of the water so  
5 that the hinge can be released.

6 Here is a short video that shows how it works  
7 operationally out in the field. It comes up. It looks  
8 just like a regular dredge here in Mississippi. He pulled  
9 the hinge, dumped it and flipped it right back in the  
10 water.

11 Here is an alternate dredge they use in  
12 Louisiana. It has the similar hinge, but the whole dredge  
13 flexes off of the teeth bar. It's a little grainy, but  
14 you can see there is a hinge. It's a modification between  
15 the basket dredge and the regular dredge. It has a hinge  
16 where it just flexes and the bag is dumped (indicating  
17 video).

18 Those are two different alternate dredge types  
19 that are used.

20 I'm going right into the presentation on basket  
21 dredges. The main reasons why they are used:

- 22 They are self dumping.
- 23 There is less muscle required.
- 24 Fewer deckhands are required.
- 25 There is ease of use.

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1 They are actually required in Alabama, although  
2 they don't have a lot of dredging area for them.

3 There is less maintenance required.

4 Some of the concerns that were expressed from  
5 the fishermen at the public hearings:

- 6 They may be more difficult to fish properly.
- 7 They may damage, or bury, oysters.
- 8 They may dig too deep.
- 9 They may make oysters in the area muddy, stir up  
10 excessive sediment.

11 Here is the section of the regulation in Title  
12 22 Part 1 that speaks to the dredge requirements:

13 "It is unlawful for any person, firm, or  
14 corporation, to take, or attempt to take, any oysters from  
15 the waters under the territorial jurisdiction of the State  
16 of Mississippi by the use of a dredge having a weight in  
17 excess of a hundred and fifteen pounds and the tooth bar  
18 cannot have more than sixteen teeth"...

19 This went into effect August of 2015, and this  
20 reduced both the bag and the basket dredge weight to a  
21 hundred and fifteen pounds.

22 For the Commission to consider to modify that,  
23 or ban basket dredges, they would have to add a section  
24 under Chapter 7 of Title 22 Part 1, and it would be  
25 Section 102.

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1 This is from the previous presentation that was  
2 given to the Commission that went out for a Notice of  
3 Intent and was approved for final adoption, but this  
4 section was removed, or tabled, at the last minute, and it  
5 reads:

6 "It shall be unlawful for any person, firm, or  
7 corporation, to take, or attempt to take, any oysters from  
8 the waters under the territorial jurisdiction of the State  
9 of Mississippi by the use of a basket dredge. A basket  
10 dredge is a type of oyster dredge also known as a 'self  
11 dumping dredge' that utilizes a rigid framed basket,  
12 instead of a flexible bag made out of rope, or chain, to  
13 retain the harvested oysters."

14 If the Commission considers that, we would need  
15 a motion to adopt that language.

16 COMMISSIONER GOLLOTT: Joe, let me say this,  
17 before we do anything else.

18 I would like to take about a ten-minute break  
19 and, when we come back, we've got two people who want to  
20 make comments, and we can get the Commissioners to weigh  
21 in on this.

22 Is that okay with you?

23 JOE JEWELL: Absolutely.

24 COMMISSIONER GOLLOTT: Thank you.

25 (Whereupon, a short recess was taken.)

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1 COMMISSIONER GOLLOTT: Back on the record.

2 Joe, were you finished, or did I interrupt you?

3 JOE JEWELL: I'm getting there.

4 JAMIE MILLER: We've got two people that want to  
5 make comments on the consideration of the basket dredge  
6 ban.

7 COMMISSIONER GOLLOTT: Just to make it clear,  
8 you have offered them two alternatives for basically self  
9 dumping dredges here.

10 In other words, if we ban the basket dredge,  
11 that is not stopping dredging, or if somebody can come up  
12 with a modification.

13 The only thing if it is banned, if somebody  
14 makes a motion, would be banning the basket dredge, the  
15 all-steel dredge. If they can come up with a modification  
16 to help them dump this dredge, it would be fine.

17 JOE JEWELL: Well, I'm not going to speak for  
18 the community that it impacts.

19 COMMISSIONER GOLLOTT: I understand that. I'm  
20 just making a statement.

21 JOE JEWELL: The Commission, it's my  
22 understanding, has the authority to set in motion the  
23 Notice of Intent that would ban the basket dredge. That's  
24 absolutely correct.

25 I did present a couple of alternatives that the

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COURT REPORTER  
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1 fishermen can consider, should that ban go into effect.  
 2 COMMISSIONER GOLLOTT: Exactly.  
 3 COMMISSIONER BOSARGE: Joe, can you give us some  
 4 science to base the decision on?  
 5 In other words, we are supposed to use the best  
 6 available science.  
 7 Can you give me some science?  
 8 JOE JEWELL: Well, there is not a preponderance  
 9 of science that is either for, or against, the banning of  
 10 the basket dredge.  
 11 We did conduct some surveys out in the field,  
 12 using GoPro cameras, early on in the process, as the  
 13 Commission directed, and that survey was inconclusive.  
 14 There was no specific smoking gun that said the basket  
 15 dredge did an inordinate amount of damage versus the  
 16 regular dredge.  
 17 COMMISSIONER BOSARGE: Going back to the public  
 18 meetings we had, what was the for and against, during the  
 19 public meetings?  
 20 JOE JEWELL: Well, in general summary, I gave  
 21 that during the March Commission meeting. At both public  
 22 hearings, the preponderance of public comment was against  
 23 the banning of the basket dredge.  
 24 COMMISSIONER BOSARGE: I think the first one was  
 25 three for and three against, if I remember what you put

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1 forward, and the second one there were actually seven  
 2 fishermen there and they were all for the basket dredge,  
 3 from what I remember seeing in your presentation.  
 4 JOE JEWELL: At the January 13<sup>th</sup>, 2013, public  
 5 hearing, attending were six individuals.  
 6 Mr. Harold Strong was there. He was opposed to  
 7 the use of the basket dredge.  
 8 Mr. Randy Lesso was opposed to the use of the  
 9 basket dredge.  
 10 Bryan Easterly was there. His comments were  
 11 sort of neutral, but he did not oppose the banning of it.  
 12 Mr. Jesse Shifalo says that basket dredges will  
 13 not mud up, or will not cause damage, and he wants to see  
 14 scientific proof that basket dredges damage the reefs.  
 15 Ms. Jennifer Vu was there, and she represented  
 16 two individuals that stood up and gave public comments  
 17 that opposed the banning of basket dredges.  
 18 Then, Ms. Jennifer Vu herself stood up opposing  
 19 banning the basket dredge.  
 20 In all instances where public comment was given,  
 21 three persons spoke opposing the use of the basket dredge,  
 22 three persons spoke supporting the use of the basket  
 23 dredge, and two spoke neither for, or against, at that  
 24 particular meeting.  
 25 COMMISSIONER GOLLOTT: Can I say this?

Lucille Morgan, CSR 1251  
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1 COMMISSIONER BOSARGE: Yes.  
 2 COMMISSIONER GOLLOTT: I called five people in  
 3 the oyster industry.  
 4 In Texas, I called Mr. Alby down in Galveston  
 5 Bay and asked him was he using the basket dredge, and he  
 6 told me no.  
 7 I called Mr. Voisin in Houma, Louisiana, who has  
 8 extensive bedding grounds, and he was telling me that he  
 9 had bought a boat with these basket dredges on it, and he  
 10 took them off because they couldn't regulate the dredges.  
 11 Mr. Brad Robin in Louisiana, a major family in  
 12 the oyster industry, I asked him about it. He said no, he  
 13 would not have those things on his private leases.  
 14 I called Buras, Louisiana, a major area in the  
 15 oyster industry with thousands and thousands of barrels of  
 16 oysters on private leases, and they said absolutely not.  
 17 So far in Louisiana and Texas, I have not found  
 18 one person with private bedding ground, or public, that  
 19 uses these basket dredges. They claim they can't regulate  
 20 them, I guess, because they get heavier as they pull them.  
 21 That should be a major factor, if nobody in  
 22 Louisiana, or Texas, is pulling these things. If they are  
 23 that much easier, it looks like they would all have them.  
 24 COMMISSIONER BOSARGE: Can you go back to the  
 25 slide where it shows that basket dredge, please?

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1 JOE JEWELL: Yes.  
 2 COMMISSIONER BOSARGE: Now, that basket dredge  
 3 is upside down.  
 4 JOE JEWELL: It is tilted on the deck.  
 5 COMMISSIONER BOSARGE: If you look at the  
 6 basket, you see the teeth and you see the three pieces of  
 7 flat bar along there. That is what would ride along the  
 8 bottom, as that dredge gets pulled, and, to me -- we've  
 9 had this conversation before -- that would be what keeps  
 10 that dredge from digging in too hard. In other words,  
 11 those are the slides that slide along the bottom.  
 12 I have a problem making a piece of gear illegal,  
 13 without some scientific basis to base the decision on.  
 14 In commercial fisheries, that's all we do is  
 15 take the gear away, take the gear away, take the gear  
 16 away, take the gear away. That's where we are in too many  
 17 fisheries.  
 18 Until somebody can come up with some science --  
 19 I could probably make as many phone calls and come up with  
 20 as many people that like to use the basket dredge as  
 21 don't. I can't worry about what people do in other  
 22 states. That's why I asked you about the public comments.  
 23 JOE JEWELL: Let me read to you in the record  
 24 the second public hearing that we had, and the Commission  
 25 held up the vote for the banning of the basket dredge

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1 because they wanted to hear the public's view a second  
2 time. They were so concerned that they were not getting  
3 the information they needed to make the decision that the  
4 Commission requested the DMR to conduct a second public  
5 hearing.

6 That public hearing occurred on May the 28<sup>th</sup>.  
7 There were seven people in attendance. This was in  
8 advance of the Notice of Intent. All those people stood  
9 up and voiced opposition to the banning of the basket  
10 dredge, but we also received written public comments, and  
11 there were forty-six in favor of keeping the basket dredge  
12 and one was opposed to the basket dredge.

13 Overall the public comment from the fishermen  
14 are opposed to banning the basket dredge.

15 Like I said, there is no preponderance of  
16 science that says one way, or another.

17 COMMISSIONER BOSARGE: Instead of banning the  
18 piece of equipment, I think we would be better off to  
19 maybe look at modifying it. Me looking at it, I can see  
20 some things that you could modify on that, that would keep  
21 that dredge from digging in, as well as the bag dredge.  
22 Shortening the opening for one thing, and it won't matter  
23 how much chain you put on it, or what have you. Once that  
24 bag gets full, that dredge will flip over.

25 JOE JEWELL: The Commission has already modified

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1 it at least one time.

2 COMMISSIONER GOLLOTT: Let me ask a question  
3 here.

4 Are you really willing to spend hundreds of  
5 thousands of dollars in the Bay of Biloxi trying to  
6 develop an oyster reef on a soft mud bottom which can be  
7 done with the other dredge, and let them go in there with  
8 a basket dredge and dig the bottom up and destroy the  
9 oysters?

10 COMMISSIONER BOSARGE: In my opinion, I don't  
11 think you should ever let them dredge in Biloxi Bay. I  
12 think it should be toning only, but that's just my  
13 opinion.

14 COMMISSIONER GOLLOTT: We have to have a place  
15 for the dredgers, a long-term place, other than the  
16 Western Sound, for dredgers to make a living. It's  
17 probably about fifty-fifty. We have as many dredgers as  
18 we do tongers. We have to take care of them.

19 This is not an ethnic thing. It's just  
20 something that is really conservation.

21 When I call all over the State of Louisiana and  
22 Texas -- I know down in Buras they had these automatic  
23 dredges that would come up and empty themselves, and they  
24 had them spring loaded that would go back in the water.  
25 They have taken all of that stuff off and gone back to the

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1 original dredge and there's a reason for it, and they have  
2 told me it destroys oysters on their private leases and  
3 they are not going to do that.

4 Now, we probably could get away with that basket  
5 dredge on a real hard reef like Pass Marianne, or  
6 Telegraph, or one of those hard reefs, but, when you put  
7 that on a soft reef, you are going to plow that reef up.

8 We have had American fishermen come tell us they  
9 have been behind these boats that are dredging. Once  
10 these boats hit an area, the next day they go there and  
11 they get nothing but black shells.

12 It is just my opinion that they are destroying  
13 reefs, and we are here to do something about it.

14 We have given them alternatives, other than just  
15 the straight dredge, and they talk about they can't handle  
16 it physically, but the two dredges, the alternatives that  
17 we could possibly try would probably let them dump them  
18 easier than what they do with the basket dredge.

19 Do any of the other Commissioners have anything  
20 to say?

21 We've got a couple of people who want to talk.

22 COMMISSIONER TRAPANI: I've got a question.

23 When you had the public hearings and all the  
24 fishermen that were opposed, did they give you a reason  
25 why they were opposed, or they were just opposed?

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1 JOE JEWELL: Those that spoke to banning the  
2 dredge, these are some of the concerns that were listed by  
3 those individuals.

4 COMMISSIONER TRAPANI: None of those have  
5 anything to do with science to support it either way?

6 JOE JEWELL: Correct, and some of the varying  
7 concerns listed there could easily apply to the bag  
8 dredge, also, and that was pointed out at the public  
9 hearings.

10 COMMISSIONER GOLLOTT: Anyone else?

11 (No response.)

12 COMMISSIONER GOLLOTT: Mr. Ryan Bradley would  
13 like to speak, again.

14 RYAN BRADLEY: Thank you again, Commissioners,  
15 for letting me speak here on this basket dredge topic.

16 I can speak from my personal experience. I have  
17 harvested oysters through dredging with the basket dredge  
18 and the bag dredge, and I have no scientific evidence to  
19 say that the basket dredge is killing more oysters than  
20 any other type of dredge.

21 What I can tell you, from my personal  
22 experience, is that I can catch the oysters quicker with a  
23 basket dredge and I can dump that basket quicker and I can  
24 get my limit and I can get off of that reef.

25 If I have to go to a bag dredge, I'm going to be

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1 pulling my dredge out there for hours longer.

2 You have got to really weigh what is the benefit  
3 you are going to be getting off of this.

4 Another thing is, like the other guy here, they  
5 want to see all dredging stopped, period. If we open up  
6 the door and ban a certain type of dredge, it might be a  
7 year from now, it might be five years from now, could be  
8 ten and none of y'all may even be on the Commission, and  
9 the fishermen are going to be fighting to keep all  
10 dredging going because y'all have opened the door for them  
11 to ban the dredges, any type of dredge.

12 That is my personal opinion, and that is all I  
13 have to say. Thank you very much.

14 COMMISSIONER GOLLOTT: Chris Lagarde.

15 CHRIS LAGARDE: Good morning, Commissioners.

16 First, a little bit on the Oyster Management  
17 Plan. Right now, we ought to be putting cultch material  
18 overboard. I prefer shells, but no matter what, we ought  
19 to be putting something overboard because the oysters are  
20 probably spawning, now.

21 I don't know that we are putting material over,  
22 now, but, if we're not, we are missing the spawn. It's  
23 not rocket science. Put the cultch material down at the  
24 right time of year and you are going to have oysters.

25 Now, there are a lot of factors that come into

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1 play after that, that we know of; the weather, salinity,  
2 all those things, but, if you don't put cultch material  
3 down at the right time of year, you are missing the boat.

4 I'm hoping we have a Chief Science Officer  
5 onboard who is going to put some science into this thing.

6 Now, to the dredges. You've got no proof of one  
7 against the other. I would offer that these concerns are  
8 made by white anglos who don't like the fact that the  
9 majority of the dredgers that I know long term are  
10 Vietnamese, or Asian. It truly is a cultural bias. They  
11 have been told something and they repeat it and they  
12 repeat it. There is no scientific proof that a basket  
13 dredge is worse than a regular dredge.

14 I would offer that Mr. Bradley is right. If you  
15 are going to ban one, then, I would say, well, if the  
16 basket dredges do a better job, then, let's ban all  
17 dredges.

18 Back to that management plan. To me and I  
19 imagine law enforcement, putting a tonging reef right next  
20 to a dredging reef, you want to guess what is going to  
21 happen. Those dredgers are going to come on over the line  
22 because there are more oysters on that tonging reef.

23 Again, without real science to back this up, I  
24 think the Commission is setting itself up. I don't know  
25 what the community is going to eventually do about what

Lucille Morgan, CSR 1251  
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1 y'all do, but it seems to me it is just another  
2 distraction. Let's focus on this, and we are going to get  
3 all these folks stirred up. We already have, and we are  
4 not really dealing with the issues.

5 Put the cultch down at the right time of year  
6 and you will have oysters.

7 Thank you so much.

8 COMMISSIONER GOLLOTT: Chris, let me ask you a  
9 question before you leave.

10 CHRIS LAGARDE: Yes, sir.

11 COMMISSIONER GOLLOTT: I know that you work with  
12 Mike Cure very closely down in the Louisiana marsh.

13 Is that correct?

14 CHRIS LAGARDE: I worked at Bayou Caddy in 1980,  
15 when the first onslaught of Vietnamese came to Bayou  
16 Caddy, yes, sir.

17 COMMISSIONER GOLLOTT: Is Mike pulling basket  
18 dredges on his leases?

19 CHRIS LAGARDE: No, but that's his choice.

20 COMMISSIONER GOLLOTT: Exactly.

21 CHRIS LAGARDE: And he does not fish his reefs  
22 the way we fish our public reefs. He doesn't do it. He  
23 wouldn't do it. It is a completely different ball game.  
24 You are comparing apples to oranges.

25 I'm not going to say that we don't need to get

Lucille Morgan, CSR 1251  
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1 Cooperative Extension, or Sea Grant, or somebody, to do  
2 some education on these issues.

3 I don't know that the basket dredge does more  
4 damage, but you can't tell me that a regular bag dredge --  
5 you put a bag dredge on a reef long enough and we know it  
6 is going to get fished off, period. Whether that's good,  
7 or bad, depends on if you are that oyster, or if you are  
8 that speckled trout looking for that little crab that was  
9 hiding in that oyster.

10 No, Mike does not use basket dredges, but,  
11 again, that's a personal decision and he manages his reefs  
12 completely different. From what I understand, he put down  
13 cultch material last week.

14 COMMISSIONER GOLLOTT: Well, we've got a reason  
15 we can't put cultch material down yet. We are prepared to  
16 do it, but the Corps of Engineers is not letting us right  
17 this minute, and they are supposed to let us go this week.  
18 We are looking forward to that. We understand that.

19 You are correct in that. We should be putting  
20 cultch material down.

21 CHRIS LAGARDE: Every year, twice a year, fall  
22 and spring. Thank y'all.

23 COMMISSIONER GOLLOTT: Thank you.

24 We have beaten this horse pretty bad.

25 Do we have anyone that wants to make a motion on

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1 this?

2 COMMISSIONER TRAPANI: I do. I think that this  
3 is something we need to look into, that we need to try and  
4 change because we are working so hard to restore these  
5 reefs and take care of them, and I feel that this is only  
6 a tiny part of the problem. We understand that, but it  
7 also is one more piece that maybe we can make a difference  
8 in.

9 I would like to make a motion for Notice of  
10 Intent to ban the basket dredge.

11 COMMISSIONER GOLLOTT: We have a motion.  
12 Can I get a second?

13 COMMISSIONER HARMON: So seconded, Mr. Chairman.

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

16 Let's do it by show of hands.

17 Those in favor of the motion raise your hand.

18 (Commissioner Gollott, Commissioner Harmon,  
19 Commissioner Trapani in favor.)

20 COMMISSIONER GOLLOTT: Those opposed raise your  
21 hand.

22 (Commercial Bosarge, Commissioner Havard  
23 opposed.)

24 COMMISSIONER GOLLOTT: Three in favor. Two  
25 opposed. Motion carries.

Lucille Morgan, CSR 1251  
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1 SANDY CHESTNUT: Commissioners, I would like to  
2 clarify that this is a motion for a Notice of Intent.  
3 This will go out for public notice, and it will be on  
4 public notice for at least twenty-five days, probably up  
5 until our next Commission meeting. We will have an  
6 opportunity to get more comments in.

7 COMMISSIONER GOLLOTT: Thank you.

8 JOE JEWELL: Item F-5 is the final item for  
9 Marine Fisheries. I want to take the Commission back  
10 through a time line, first.

11 The Commission passed for adoption, in April of  
12 2015, this regulation for a two-day possession limit for  
13 the for-hire industry. It became effective on June the  
14 1<sup>st</sup>, 2015, but, in it, it had a sunset clause that made the  
15 two-day bag limit expire one year from adoption, and that  
16 one year was June the 1<sup>st</sup>, 2016, last year.

17 I have to assume the responsibility for the non  
18 action at that time.

19 Inside of Marine Fisheries, we have two tracking  
20 mechanisms that we use to monitor these types of action  
21 and for some reason -- I just have to accept the  
22 responsibility -- that did not get uploaded into either  
23 one of those tracking systems. I have to apologize to the  
24 Commission.

25 For your consideration, that sunset clause has

Lucille Morgan, CSR 1251  
COURT REPORTER  
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1 expired and the Commission needs to address that issue,  
2 and Mr. Matt Hill is going to present that.

3 MATT HILL: Good morning Commissioners, Director  
4 Miller, Sandy.

5 As Joe said, this is something that did slip  
6 past us and I will be glad to blame it all on Joe.

7 Hopefully, we can get through this. As Joe  
8 said, this became effective June 1<sup>st</sup>, 2015. It did expire  
9 June 1<sup>st</sup>, 2016.

10 what the Commission decided to do was to allow  
11 the for-hire industry to possess a two-day possession  
12 limit on certain species. Those certain species were  
13 Southern Flounder, Red Drum and Spotted Seatrout.

14 This regulation occurs in Title 22 Part 7. It  
15 is our regulation which provides size limits and bag  
16 limits on certain fish species and to prevent sale of  
17 seafood by recreational fishermen.

18 I'm not going to go through all of the  
19 qualifications that were part of this, but this does occur  
20 in Part 7 Chapter 7, and I will read the main gist of it.

21 In Section 101, what the Commission voted to  
22 enact was a licensed for-hire vessel may obtain a two-day  
23 bag limit endorsement from the Department for a fee of one  
24 hundred dollars per year. The endorsement allows the  
25 vessel to possess a two-day bag limit, whole or filleted,

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COURT REPORTER  
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1 of Spotted Seatrout, Red Drum and Southern Flounder under  
2 all of the following conditions:

3 Like I said, there are several conditions here  
4 that I won't go into, unless some of the Commissioners  
5 have anything, and we can come back to this.

6 In Section 102, one of the main things that the  
7 operators had to do was file a float plan with the  
8 Department. It is a very detailed float plan, so we knew  
9 when these trips were occurring and how many passengers  
10 were on the trips, and we worked very closely with Marine  
11 Patrol on this.

12 One of the most important things that did come  
13 out of this regulation was the vessel's captain and crew  
14 are prohibited from keeping a recreational bag limit of  
15 Spotted Seatrout, Red Drum, or Southern Flounder, while  
16 exercising the endorsement. This did take this provision  
17 away from them, and the presence of the captain and crew  
18 did not count towards the vessel's daily possession limit  
19 for the species listed.

20 What we are here for today, however, is Section  
21 104. The Commission chose to put this in:

22 "This Chapter expires one year after the date of  
23 adoption. The Commission must review the efficacy of this  
24 endorsement, and determine whether to extend this Chapter,  
25 during its regular meeting the month prior to expiration."

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1 As Joe and I both said, we did fail to do this,  
2 and we are now bringing it back before the Commission.

3 One of the options that the Commission does have  
4 is status quo. I will remind the Commission, if they  
5 choose status quo, then, this regulation will cease to  
6 exist immediately and the for-hire industry will no longer  
7 have this privilege.

8 Option two would be to extend the Sunset Clause  
9 for a period of time, one year, two years, three years, et  
10 cetera.

11 The Commission could also make the regulation  
12 permanent.

13 I would like to add if the Commission chooses to  
14 consider option two, since it seems that we did skip what  
15 we were supposed to do this last time, what we would  
16 recommend, as a staff, is the Commission could consider  
17 automatically renewing the regulation for one year, if the  
18 CMR takes no action. If this does happen again and it is  
19 not brought up before the CMR, the regulation would  
20 automatically renew and we wouldn't be faced with this  
21 problem in the future.

22 COMMISSIONER GOLLOTT: Matt, have we had any  
23 problems with this?

24 MATT HILL: We haven't had any problems. We  
25 have sold fourteen endorsements total, over this two-year

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1 period, but there are only five unique individuals. Each  
2 vessel has to have this endorsement to run, so we have  
3 some gentlemen with multiple vessels. We have sold  
4 fourteen endorsements to five unique individuals. Marine  
5 Patrol has done an excellent job. Ms. Denise upstairs  
6 keeps a very detailed book for us and we are able to go  
7 through there, and we have not, to date, had any issues  
8 with this particular regulation.

9 COMMISSIONER GOLLOTT: I personally like the  
10 automatic renewal, if somebody forgets it, and, that way,  
11 we wouldn't have to go through a big rigamarole, if we do  
12 have a problem, to get rid of it.

13 I will let the Commission talk on it.

14 COMMISSIONER BOSARGE: I guess I have one  
15 concern with the Spotted Seatrout. We get our plan, we  
16 based it on the 2014 landings, and we raised it to fifteen  
17 inches.

18 MATT HILL: Correct.

19 COMMISSIONER BOSARGE: In 2016, we were at one  
20 point six million. In 2017, we're at two point one  
21 million, and we want to do a two-day bag limit.

22 I don't have a problem with this, but, I think,  
23 in an effort to try to help ourselves on Spotted Seatrout,  
24 we should only allow one day of Spotted Seatrout. They  
25 can have two days of Southern Flounder and Red Drum, but,

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1 at some point, we've got to start curtailing it somehow.

2 MATT HILL: I understand where you're coming  
3 from, Commission Bosarge, and I do partially agree with  
4 this, and I will probably agree with it wholeheartedly.

5 However, it is a very low number of people that have  
6 taken advantage of this, and, in talking to those people,  
7 it has been very rare that they have actually benefitted  
8 from the two-day bag limit. They have not caught their  
9 two-day bag limit. They have the ability to, but they  
10 have not.

11 There are some that we do know that have taken  
12 advantage of it, but just because they bought the  
13 endorsement, every trip that they have taken has not  
14 resulted in a two-day bag limit of Spotted Seatrout.

15 COMMISSIONER BOSARGE: That should tell you  
16 something, but most of the time it's four or five people  
17 that are going on these charters and a daily bag limit of  
18 fifteen fish for five people for two days, I've seen  
19 pictures that are posted by some of them, and it's a lot  
20 of fish, a lot of fish. Four or five people and sometimes  
21 more than that, seven or eight people, and fifteen fish  
22 per person. That's a lot of fish.

23 I'm just thinking strictly for conservation and  
24 trying to conserve what we have. To me, that would only  
25 make sense.

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1 MATT HILL: You are correct. We did enact this  
2 regulation before we performed the stock assessment, and  
3 we came before the Commission and knew that we had an  
4 issue, and these three species were identified as what we  
5 would allow for the fore-hire industry, that that would  
6 benefit their business plan in a way, and the Commission  
7 felt it was going to be beneficial to them. However, we  
8 do have new information, obviously, on Spotted Seatrout,  
9 and that can definitely be an option that the Commission  
10 could consider.

11 COMMISSIONER BOSARGE: Would it be possible to  
12 table this and you talk to these folks and see if they  
13 would be willing to do that?

14 MATT HILL: Yes, I believe we can. We actually  
15 have a newly formed Charter For-Hire Task Force meeting,  
16 and we can definitely get their opinion.

17 I would like sandy to speak on part of this. It  
18 is expired, right now. However, we have sold licenses and  
19 we plan on honoring those endorsements.

20 Sandy can speak on that a little bit more, but  
21 some of them have already bought this endorsement and they  
22 have already had their trips booked. It is definitely  
23 something we can table and bring back to the For-Hire Task  
24 Force and get some of their input.

25 SANDY CHESTNUT: Even though it says that it

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1 expires, it does say the Commission must review it as  
2 well. We are kind of in a catch-22 here.

3 There will be no problem with tabling it and  
4 bringing it back with more information for the Commission  
5 to consider.

6 COMMISSIONER GOLLOTT: Well, let me say this.  
7 This outfit is on Cat Island and they sell charters, and  
8 it would be a big inconvenience for them to come in and  
9 land the fish. They can actually send a boat in and land  
10 the fish in Pass Christian, or somewhere, and go back and  
11 fish the next day, just like they can today with the  
12 endorsement.

13 This is a commercial outfit, and I asked you, in  
14 the beginning, have we had any problems with them, and you  
15 said no.

16 These people do fish in Louisiana, too. All of  
17 their fish are not coming out of Mississippi. I really  
18 don't see a problem.

19 I have chartered myself down to Lake Calcasieu.  
20 We get two days down there in Louisiana, and these people  
21 are competing with the people in Louisiana trying to keep  
22 their business going. I don't see a problem with what we  
23 are doing.

24 I would like to make a motion that we do approve  
25 it from year to year and let it come up yearly and, if

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 it's not renewed within a month after it comes up, then,  
2 it is automatically renewed. I'll make that motion.

3 Can I get a second on it?

4 COMMISSIONER HARMON: Before we get there, Mr.  
5 Chairman, I would like to get on the record. 101.04  
6 addresses Commissioner Bosarge's concerns. It reads:

7 "The harvest must comply with Mississippi Daily  
8 catch limits. This endorsement does not authorize any  
9 person to take more than one daily Mississippi bag limit  
10 during one calendar day."

11 whether they launch their boat and go back and  
12 forth, it's irrelevant.

13 MATT HILL: That is correct. We are not  
14 allowing them to take a double daily bag limit. I guess  
15 that's the easiest way to say it.

16 what we are allowing them to do is have the  
17 possession of a two-day bag limit on their return trip  
18 home, and we do something very similar with our reef fish  
19 species, as long as there are two licensed captains  
20 onboard, but they are not allowed to catch thirty trout  
21 out of the State of Mississippi in the same day. However,  
22 they are allowed to have a possession of thirty trout per  
23 person on their return back to the dock.

24 COMMISSIONER GOLLOTT: The only thing we allow  
25 them to do is spend the night on Cat Island and fish the

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1 next day and come in.

2 MATT HILL: Yes, sir.

3 COMMISSIONER GOLLOTT: They are entitled to  
4 fifteen fish per day.

5 MATT HILL: I know we focus on Cat Island.  
6 However, there are some other businesses that do have this  
7 capability, but it is very limited. Like I said, we have  
8 five unique individuals.

9 I do apologize. This is something that we did  
10 realize at the last minute. We would like to have done  
11 our homework a little bit better to present a little bit  
12 more.

13 The answer to the question that Commissioner  
14 Bosarge did bring up is no, they are not allowed to  
15 harvest thirty fish per person in a day. They are just  
16 allowed to possess them. As long as they file this float  
17 plan, they can possess these fish on their return back to  
18 the dock, as we do for reef fish.

19 COMMISSIONER TRAPANI: I have a question.

20 Can we ask Chief Davis if he has any comment, or  
21 how he feels about it?

22 Can you come up, please?

23 KEITH DAVIS: Commissioner Trapani, we met with  
24 the Fisheries staff on this and we support redoing this.

25 COMMISSIONER TRAPANI: Y'all have had no

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1 problem?

2 KEITH DAVIS: We have had no issues.

3 COMMISSIONER BOSARGE: Have you checked any,  
4 Chief Davis?

5 Have you done any checks?

6 KEITH DAVIS: Yes, sir, we have. There are a  
7 limited number of people participating it, but there  
8 haven't been any compliance issues.

9 COMMISSIONER GOLLOTT: We have a motion.

10 Do we have an alternative motion, or do we have  
11 a second on this motion?

12 COMMISSIONER HARMON: Mr. Chairman, could you  
13 read the motion again?

14 JOE JEWELL: Commissioner Gollott, you said the  
15 motion is to renew year to year and, if it is not  
16 addressed by the Commission within one month, it  
17 automatically renews.

18 COMMISSIONER HARMON: I so second that.

19 COMMISSIONER GOLLOTT: We have a motion and a  
20 second.

21 All those in favor say aye.

22 (Commissioner Gollott, Commissioner Harmon,  
23 Commissioner Havard, Commissioner Trapani in favor.)

24 COMMISSIONER GOLLOTT: Opposed?

25 (Commissioner Bosarge opposed.)

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1 COMMISSIONER GOLLOTT: Four in favor and one  
2 opposed. Motion carries.

3 Thank you.

4 MATT HILL: Thank you, Commissioners and, like I  
5 said, we do apologize for letting this slip by us.

6 JAMIE MILLER: Chairman, before we go to our  
7 next section on the agenda, I mistakenly did not bring to  
8 your attention that Thao Vu had asked to speak on the  
9 basket dredge agenda item, also. She had spoken on the  
10 Oyster Management Plan, and I had placed her public  
11 comment form under my folder.

12 I would like to, at least, provide her the  
13 opportunity to speak. I know we did vote on it, and it  
14 will set in motion the Notice of Intent. She will have  
15 more time to comment in writing and verbally, but I didn't  
16 want to not give her the opportunity in the meeting.

17 COMMISSIONER GOLLOTT: Thao, did you want to  
18 saying something on the basket dredge?

19 THAO VU: Yes.

20 Can the Commissioners and Director Miller hear  
21 me?

22 COMMISSIONER GOLLOTT: Yes.

23 THAO VU: I don't have copies for everyone, but  
24 I have at least three printed copies here of our comment  
25 letter with a total of fifty, all Vietnamese American

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1 Fisher Folks and mostly in Harrison County.

2 Our letter basically just states that MDMR lacks  
3 strong robust scientific evidence that conclusively proves  
4 basket dredges detrimentally damage oyster reefs and  
5 should not propose burdensome regulation with no basis and  
6 strong science.

7 Almost two years ago, this agency had proposed  
8 to reduce the basket dredge from a hundred and forty-five  
9 pounds and, also, it was claimed that these heavier  
10 dredges were damaging the oyster reefs.

11 As Mr. Jewell referenced earlier, many of the  
12 Vietnamese fishermen, we had commented on that and opposed  
13 changing that. However, the regulation was approved and  
14 implemented, and we have had to use this lighter hundred  
15 and fifteen pound dredge and, back then as now, there is  
16 no strong robust scientific evidence.

17 The other major concern we have is this issue  
18 came up at the recent oyster workshop, and we think you  
19 violated the open meetings rule because it was never  
20 publically posted on the MDMR website and the key  
21 stakeholder group that was going to impacted by any  
22 proposed regulations was never informed and the workshop  
23 meeting time was changed multiple times.

24 Additionally, we know this came out of one of  
25 the recent oyster council recommendations. However, I

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1 reiterate, how were other industries and occupations that  
2 have never harvested a single oyster asked to be on this  
3 council, and they have some authority to develop, inform  
4 and influence this agency and try to impose burdensome  
5 regulations upon long-time fishermen, Vietnamese American  
6 fishermen who have greatly contributed to the local  
7 economy.

8 We think that this is some cultural racial bias  
9 and discrimination and, therefore, we strongly oppose any  
10 kind of bag dredge, and we want to strongly support  
11 keeping the status quo, keeping the current dredge.

12 We are pursuing and looking at all available  
13 options for the Vietnamese American fishermen to do  
14 further research on this issue. Thank you.

15 COMMISSIONER GOLLOTT: Ms. Thao.

16 THAO VU: Yes.

17 COMMISSIONER GOLLOTT: There is nobody in the  
18 whole State of Mississippi that is more pro Vietnamese.  
19 This is not a Vietnamese American thing. The way I  
20 understand it, there are as many Americans pulling this  
21 dredge.

22 We are merely trying to preserve what we have  
23 left in the oyster industry and grow it, and we don't want  
24 to see it destroyed by people.

25 You are welcome. If you can come up with some

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1 scientific evidence that says this dredge does not hurt  
2 the reefs, we will be glad to look at it, and we have  
3 plenty of time. That's the reason we are bringing it up,  
4 now. We have plenty of time before the next dredging  
5 season. Thank you.

6 JOE JEWELL: That completes the agenda items for  
7 Marine Fisheries.

8 COMMISSIONER GOLLOTT: Next we have Coastal  
9 Resources Management.

10 JENNIFER WITTMANN: Jan sends his apologies for  
11 not being at the meeting today and, following the  
12 addendums from the Executive Director, Coastal Resources  
13 Management only has one action item on the agenda today.

14 That item is a request for a permit modification  
15 by Huntington Ingalls Industries, located on the  
16 Pascagoula Bay at 1000 Jerry St. Pe' Highway in  
17 Pascagoula. It is in the Industrial Development Use  
18 District, and the agent is Burk-Kleinpeter, Incorporated.

19 This is the project location, in reference to  
20 Singing River Island, Market Street and Highway 90 in  
21 Pascagoula (indicating map).

22 The applicant is currently authorized to  
23 continually maintenance dredge an existing ship berth to a  
24 depth to thirty-eight feet below mean low water, an  
25 existing launch pit to seventy-one feet below mean low

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1 water and a sonar pit to fifty feet below mean low water.

2 This is an as-needed dredging for a ten-year  
3 period for maintenance of the shipyard.

4 The applicant was previously granted a variance  
5 to the Mississippi Coastal Program, Chapter VIII, Section  
6 2, Part III.G.4. which states that access canals shall be  
7 of uniform depth, or become gradually shallower proceeding  
8 from the receiving body of water and they shall be no  
9 deeper than the parent body of water.

10 Currently, the applicant is seeking to increase  
11 the depth of the launch pit from seventy-one feet below  
12 mean low water to seventy-four feet below mean low water.

13 The projected total amount of dredged material  
14 would be increased to two point one six six million cubic  
15 yards.

16 The applicant is proposing that the dredged  
17 material be placed at an approved upland location.

18 Currently, the applicant has been granted an  
19 exception to Mississippi Code 49-27-61 for the calendar  
20 year that will end on February 23<sup>rd</sup>, 2018, because there is  
21 not currently a beneficial use site in the area that is  
22 acceptable for the material.

23 The area in green is the launch pit that would  
24 be increased from seventy-one feet below mean low water to  
25 seventy-four feet, and the other dredge areas are

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1 indicated in red (indicating diagram).

2 The project has a public benefit, by allowing  
3 Huntington Ingalls Industries Pascagoula facility to  
4 continually maintenance dredge specific areas to certain  
5 specific depths that are needed to build Naval, Merchant  
6 Marine and commercial vessels.

7 The project is allowable within the Industrial  
8 Development Use District.

9 As I stated, the applicant has previously been  
10 granted a variance to Chapter VIII, Section 2, Part  
11 III.G.4. of the Mississippi Coastal Program.

12 There are no precedent setting effects expected.  
13 The site has historically been utilized as an industrial  
14 site and similar projects have been approved by the  
15 Commission.

16 There will be a temporary increase in turbidity  
17 and a loss of benthic organisms, during dredging  
18 operations. However, best management practices will be  
19 utilized.

20 The full extent of the project should not have  
21 any adverse impacts other than the loss of benthic  
22 organisms and the increase in turbidity. The activity  
23 will not affect the natural supply of sediments,  
24 nutrients, temperature, salinity, water flow, or  
25 circulation, and the increase in turbidity will not exceed

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1 DEQ's guidelines for water quality.

2 Best management practices will reduce the  
3 adverse impacts and the proposed depths are necessary for  
4 Huntington Ingalls Industries Pascagoula facility to  
5 continue building Naval, Merchant Marine and commercial  
6 vessels.

7 No off-site alternatives have been considered.  
8 This is a maintenance dredging project and only the  
9 existing launch pit will be deepened.

10 The maintenance dredging of a launch does  
11 require a waterfront location.

12 The project is in an area that has historically  
13 been utilized as an industrial area, and scenic qualities  
14 should not be adversely impacted.

15 with regard to the national interest, the  
16 Mississippi Coastal Program states that State agencies  
17 shall consider the following aspects of the national  
18 interest...the national need for transportation, including  
19 ports and navigation and the need for national defense and  
20 to establish and maintain facilities necessary to  
21 accomplish this.

22 The project appeared on public notice in the Sun  
23 Herald and the Mississippi Press, as required.

24 No public comments have been received.  
25 DEQ is currently reviewing the project.

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1 Archives and History has submitted no comments.  
2 Secretary of State's office stated that there  
3 are no Tidelands lease issues.

4 The Department of wildlife, Fisheries and Parks  
5 has recommended that best management practices be  
6 utilized.

7 Based on departmental review and evaluation, it  
8 has been determined that the project does have a  
9 significant public benefit, by allowing the Huntington  
10 Ingalls Pascagoula facility to continually maintenance  
11 dredge specific areas to certain specific depths needed to  
12 build Naval, Merchant Marine and commercial vessels.

13 Therefore, staff recommends approval of the  
14 project, with the condition that the applicant be required  
15 to use a DMR approved beneficial use site, in accordance  
16 with Mississippi Code 49-27-61 for all dredging that takes  
17 place after February 23<sup>rd</sup>, 2018, and the project would also  
18 be contingent on water quality certification from DEQ.

19 We have representatives from Burk-Kleinpeter and  
20 Huntington Ingalls present, if you have any questions for  
21 them.

22 COMMISSIONER GOLLOTT: We need a motion on this?  
23 JENNIFER WITTMANN: Yes, sir.  
24 COMMISSIONER BOSARGE: I make a motion to accept  
25 the staff's recommendations.

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Commission on Marine Resources

COMMISSIONER GOLLOTT: Do we have a second?  
COMMISSIONER HARMON: So seconded, Mr. Chairman.  
COMMISSIONER GOLLOTT: We have a motion and a second.

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

COMMISSIONER GOLLOTT: Opposed?  
(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

JENNIFER WITTMANN: Thank you.

COMMISSIONER GOLLOTT: Next is Finance and Administration, Ms. Kacey Williams.

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

These are the financial results as of March 31<sup>st</sup>, 2017.

At the end of March, our State revenue was eight point two million. Our total Agency revenue was twenty-two point two million.

Our State net income was eight hundred and sixty-six thousand, and our total Agency net income was negative four million which includes spending and Tidelands cash on hand.

After nine months of his fiscal year, we have fifty-two point seven percent of our Operating Funds

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Budget remaining, and thirty-seven point two percent of our Tidelands Funds Budget.

Any questions?

COMMISSIONER GOLLOTT: Thank you.

KACEY WILLIAMS: Thank you.

COMMISSIONER GOLLOTT: Ms. Melissa.

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

The agency has been mentioned fifteen times in local, state and national media, since the previous CMR meeting.

Some of the items that got the most interest were the work at Round Island, hiring Paul Mickle as our Chief scientific Officer and, most recently, the agency beginning tomorrow to sell fishing licenses in Pass Christian, commercial fishing licenses.

Marine Patrol held four boat-and-water safety classes in March and certified a hundred and thirty-one students. In this fiscal year, they have held sixteen classes with two hundred and sixteen students, and they also participated in several outreach events, including the Boy Scout Centennial, Safety Day at Lizana Elementary and Career Day at Biloxi High School.

we also had other employees throughout the agency that participated in outreach events. Jennifer

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Frey did a Coastal Preserves presentation at the Pascagoula River Audubon Center. We had several people that participated in career days at elementary schools. Dr. Mickle gave a presentation at the Gautier Rotary Club. We had employees at Super Saturday at the Pascagoula School District this last Saturday.

We have also had a lot of events the past couple of weeks. We were at the Bicentennial celebration. Public Affairs and the Mississippi Gulf Coast National Heritage Area were there. The same day we had Celebrate the Gulf. Then, last weekend we were at the Oyster Festival in Biloxi.

Any questions?

COMMISSIONER GOLLOTT: Thank you, Melissa.

MELISSA SCALLAN: Thanks.

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

(No response.)

COMMISSIONER GOLLOTT: If not, public comments. Gilbert Ramsey.

GILBERT RAMSEY: Good morning Commissioners, Director Miller, Ms. Sandy.

My name is Gilbert Ramsey. I'm respectfully requesting your participation and assistance with the comprehensive plan with the restore council amendment for

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modification and enhancement of recreational opportunities.

what we've done is we have done an educational outreach program and apprehensive rehabilitation for the disabled people.

We are doing economic development, tourism, workforce development and pollutants and quality of water initiative.

I am introducing a new prototype for pollution control for water, an environmental friendly vessel to accommodate mobility impaired citizens and enhancement recreational outreach to enable them to become productive citizens within our community and enjoy quality of life and post-secondary education outreach with NOAA.

I have been internationally recognized with the application. I have the funds associated with this appropriately. I have outreach association in multiple countries.

I am a sole source provider, and I'm looking for introduction for a sponsorship for public-private partnership program, non-governmental public-private partnership program with y'all's assistance.

I'm looking for boat lifting stabilization to move with changing water levels and tides. It works with existing structures to add buoyancy to supplement

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1 floatation kit with side extensions for all additional  
 2 walk-around room and a place to secure the boat.  
 3 I've got a shallow-drive vessel, and what I'm  
 4 doing is inlet waterway activities. I'm coming to the  
 5 islands as well, Deer Island exclusively.  
 6 I'm with the City of Biloxi and City of  
 7 D'Iberville, right now, pilot locations. I'm coming forth  
 8 in all three counties, but I'm coming forth in all sixty-  
 9 one counties and all sixty-one tourism offices.  
 10 I was at the Bicentennial event. I had a table  
 11 set up there, as a military outreach association, military  
 12 veterans association.  
 13 What's happening ladies and gentlemen is this.  
 14 I'm coming forward to make sure it is implemented  
 15 appropriately with y'all's capabilities.  
 16 At the Bicentennial event, Mr. Roger Wicker  
 17 introduced me to Mr. Andrew Higginbotham with the  
 18 Pentagon, and the Pentagon has offered their assistance  
 19 with the VA association.  
 20 I'm initiating more amenities, more amenities  
 21 with Senior Olympics and Golden Age Olympics, coming up  
 22 this month.  
 23 This is what I'm trying to encourage y'all  
 24 about. I've been working on this, since 2012, when  
 25 Governor Barber initiated the BP Council. I went there as

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1 a concerned citizen and veteran.  
 2 I have been doing this as an independent person.  
 3 I have a producer who wants to do a movie with me. The  
 4 end of May he is coming. I reached out to them last year,  
 5 and they are coming back to me.  
 6 Also, I went to the Initiative at the University  
 7 of Southern Mississippi Long Beach campus, a road tour.  
 8 At this road tour was information about grant  
 9 opportunities with Stennis Space Center and NASA.  
 10 COMMISSIONER GOLLOTT: Excuse me, Gilbert. Your  
 11 time is up. Wind it up for us, please.  
 12 GILBERT RAMSEY: What I would like to do, I will  
 13 be coming forth with Director Miller and his association  
 14 with his secretary to have a letter of assistance for this  
 15 introduction for international recognition for the  
 16 Hospitality State.  
 17 I'll be at Biloxi City Council and D'Iberville  
 18 this evening to initiate things with them.  
 19 Thank you very much for your assistance and  
 20 cooperation.  
 21 COMMISSIONER GOLLOTT: Thank you, sir.  
 22 With no other business, can I have a motion to  
 23 adjourn?  
 24 COMMISSIONER BOSARGE: So moved, Mr. Chairman.  
 25 COMMISSIONER GOLLOTT: We have a motion to

Lucille Morgan, CSR 1251  
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1 adjourn.  
 2 Do we have a second?  
 3 COMMISSIONER HARMON: So seconded, Mr. Chairman.  
 4 COMMISSIONER GOLLOTT: We have a motion and a  
 5 second.  
 6 All those in favor say aye.  
 7 (All in favor.)  
 8 COMMISSIONER GOLLOTT: Adjourned.  
 9 (whereupon, at 11:16 o'clock, a.m., the April  
 10 18, 2017, meeting of the Commission on Marine Resources  
 11 was concluded.)  
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Lucille Morgan, CSR 1251  
 COURT REPORTER  
 (228) 396-8788

C E R T I F I C A T E

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 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 April 18, 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, with 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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