

Commission on Marine Resources

COMMISSION ON MARINE RESOURCES
COMMISSION MEETING

Tuesday, September 20, 2016
9:00 a.m.
Bolton State Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

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

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 welcome
2 everyone to the September meeting of the Commission on
3 Marine Resources.
4 I will ask Jamie Miller to lead us in the
5 pledge.
6 (Whereupon, the Pledge of Allegiance was
7 recited.)
8 COMMISSIONER GOLLOTT: We have next approval of
9 the minutes for August the 16th.
10 Do I have a motion, or any modifications?
11 COMMISSIONER BOSARGE: So moved, Mr. Chairman.
12 COMMISSIONER GOLLOTT: We have a motion.
13 Do we have a second?
14 COMMISSIONER HARMON: I'll Second that, Mr.
15 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: They are approved.
21 Approval of the minutes for August the 11th.
22 Do we have any modifications, or do we have a
23 motion?
24 COMMISSIONER BOSARGE: So moved, Mr. Chairman.
25 COMMISSIONER GOLLOTT: We have a motion.

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1 Do we have a second?
2 COMMISSIONER HARMON: Second, Mr. Chairman.
3 COMMISSIONER GOLLOTT: We have a motion and a
4 second.
5 All those in favor say aye.
6 (All in favor.)
7 COMMISSIONER GOLLOTT: It's approved.
8 we have approval of the agenda.
9 Do we have any modifications?
10 COMMISSIONER HAVARD: Mr. Chairman, I would like
11 to make some modifications to the order. I would like to
12 move 5, 6a, 6 and 4 in front of number one.
13 COMMISSIONER GOLLOTT: Do we have any more
14 modifications, or do we have a motion?
15 COMMISSIONER BOSARGE: Could you repeat that one
16 more time?
17 COMMISSIONER HAVARD: I would like to move
18 number 5, 6a, 6 and 4 in front of number 1.
19 COMMISSIONER GOLLOTT: We have a motion to amend
20 the agenda.
21 Do we have a second?
22 COMMISSIONER BOSARGE: So seconded.
23 COMMISSIONER GOLLOTT: We have a motion and a
24 second.
25 All those in favor say aye.

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1 (All in favor.)
2 COMMISSIONER GOLLOTT: Motion is approved.
3 COMMISSIONER GOLLOTT: Next we have the
4 Executive Director's report.
5 JAMIE MILLER: Thank you, Chairman.
6 I just have one item. I would like the
7 Commission to consider moving the October meeting to
8 Hancock County. Each year, or throughout the year, we
9 move four meetings outside of Harrison County. Twice in
10 Hancock County. Twice in Jackson County. In October, I
11 would ask the Commission to consider moving the regular
12 meeting to the Hancock County location.
13 COMMISSIONER GOLLOTT: Do we have a motion?
14 COMMISSIONER HAVARD: Mr. Chairman, I would like
15 to make a motion that we move the next meeting to Hancock
16 County.
17 COMMISSIONER GOLLOTT: Do we have a second?
18 COMMISSIONER BOSARGE: So seconded.
19 COMMISSIONER GOLLOTT: We have a motion and a
20 second.
21 All those in favor say aye.
22 (All in favor.)
23 COMMISSIONER GOLLOTT: Motion carries.
24 SANDY CHESTNUT: Are you going to leave the time
25 the same, or are you going to move it to ten?

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JAMIE MILLER: Let's move it to 10:00 a.m. I think that's what we normally do.

SANDY CHESTNUT: Yes.

JAMIE MILLER: We will move it to 10:00 a.m., but we will make sure we make the announcement to the public.

COMMISSIONER GOLLOTT: Sandy, do we have to make a motion on that?

SANDY CHESTNUT: No. That's fine, as long as everybody is in agreement and we can let the public know.

COMMISSIONER GOLLOTT: Office of Marine Patrol.

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

You have the report in front of you. I know we have a long meeting today, especially Marine Fisheries.

If there are any questions on the report, I will be glad to try to answer them. I know I have been keeping y'all informed on the undersized Spotted Seatrout citations.

I will let you know that from last year to this year, we have had an increase in citations issued for undersized Spotted Seatrout, and it is actually picking up again.

So far this month we have had five with the same size that I mentioned last month. Anywhere from ten to

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eleven-and-a-half inches, they are keeping.

COMMISSIONER BOSARGE: Rusty, I see where you've got, I guess, another Spiny Tail Lobster on a shrimp boat.

RUSTY PITTMAN: The first of August.

COMMISSIONER BOSARGE: That's a Federal rule. Correct?

RUSTY PITTMAN: Federal rule, yes.

COMMISSIONER BOSARGE: I can understand that rule being in place from probably the Florida-Alabama line on to the east, but, if you see a Spiny Tail Lobster in a shrimp trawl on this end of the state, that's a rarity.

RUSTY PITTMAN: Right.

COMMISSIONER BOSARGE: I hate to see these guys get ticketed for having something that happens on a very rare occasion that I guarantee you they are not aware that there is even a law on Spiny Tail Lobster.

RUSTY PITTMAN: If I remember correctly, it was the same fisherman that had the one before, who had the citation before and he came in again with another Spiny Tail Lobster.

Our JEA Coordinator, Patrick Carron, has been in contact with NOAA, the National Marine Fisheries in St. Petersburg. Of course, with something like that, they usually don't want to handle it. So it will probably turn into something else.

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COMMISSIONER BOSARGE: I saw "Illegal Game Fish in Commercial Business".

What was that?

RUSTY PITTMAN: Cobia. The shop was trying to sell Cobia.

COMMISSIONER BOSARGE: Then, where you have "Possession of Filleted Fish", was that a reef fish fish, or a state fish?

RUSTY PITTMAN: Spotted Seatrout. The fisherman had filleted them and didn't have a plan where he left, where you can leave the waters and come back into Mississippi as long as you file a plan. He came in and we stopped him and he had fillets onboard. If I'm not mistaken, he had thirty-five fillets.

COMMISSIONER BOSARGE: I think that's all. Thank you.

COMMISSIONER GOLLOTT: Thank you, sir.

RUSTY PITTMAN: Thank you.

COMMISSIONER GOLLOTT: Next we have Joe Jewell.

JOE JEWELL: Thank you, Commissioners. I appreciate the Commission modifying the agenda. As you know, two of the presenters on the agenda this morning will be attending the SSC and their flight is at 1:00 o'clock today. I appreciate the Commission taking the time, in modifying the agenda, to accommodate the staff's

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schedule.

We have a pretty aggressive agenda and a pretty regulatory intense agenda this morning. With that being said, we are going to move right into it.

First up on the modified agenda is item number 5, Mississippi For-Hire Task Force. The Task Force met and presented a resolution on the Spotted Seatrout. The Chairman of the Task Force, Mr. Clarence Seymour, will present that resolution to the Commission.

CLARENCE SEYMOUR: Good morning. Thank y'all for having us.

Clarence Seymour, Chairman of the For-Hire Task Force here at the DMR.

We convened on the 24th of August and came up with a resolution to recommend that the Spotted Seatrout go from thirteen inches to fourteen inches, we recommend that we have a twelve fish bag limit, and we also came up with a resolution for excluding the captain and crew for for-hire vessels which would give a little less pressure on the Speckled Trout.

I've got the resolution, if y'all would like me to put it in public testimony through Joe, or whoever.

JAMIE MILLER: We've got it in the Commissioners' packet already.

CLARENCE SEYMOUR: There is it (indicating

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slide).

Are there any questions?

COMMISSIONER BOSARGE: I had maybe one question.

CLARENCE SEYMOUR: Yes, sir.

COMMISSIONER BOSARGE: would the for-hire sector be interested, or willing, to participate in data gathering where we know what you do as you do it, in other words, kind of like maybe in the fore-hire reef fish fishery reporting, to where we could get a little better information?

I know that you guys report. I'm not exactly sure how you report.

Is that something maybe you could bring to the Task Force and work with Joe and see if you could come up with a program, whether it be daily, or weekly, something where we get the numbers of fish and where you are catching them and what you are catching and be able to track it a little better and have a little better data in order to make a decisions?

CLARENCE SEYMOUR: Yes. Absolutely.

We will meet again in October. I think that's a great thing to put on the agenda.

The TailSnScales App for Red Snapper for the for-hire industry, from what I understand, it is probably one of the best moving apps in the Gulf of Mexico for the

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Federal Fishery.

As far as our guys that are on the Task Force, in the whole guide industry, as far as documenting when they are going to go trout fishing, sometimes they could be fishing for black drum and red fish, but, if they do have speckled trout, that is definitely a key to any type of resource management.

COMMISSIONER BOSARGE: And not necessarily just targeting speckled trout, but targeting whatever fish you are catching, in other words, where we know the numbers and how many days you are fishing and what you are catching.

CLARENCE SEYMOUR: That's correct. No problem. As long as any type of phone app has your species on there and what you are targeting and what you have caught, plus we have to know discard for mortality rate, also, which would be helpful in any type of research at DMR.

COMMISSIONER BOSARGE: Thank you.

COMMISSIONER GOLLOTT: Quick question for you.

CLARENCE SEYMOUR: Yes, sir.

COMMISSIONER GOLLOTT: I have fished charter boats several times and usually the captain kind of finds the fish, by fishing.

wouldn't that hurt your business, if you couldn't fish?

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CLARENCE SEYMOUR: You're talking about taking the limit out of the for-hire?

COMMISSIONER GOLLOTT: Yes.

CLARENCE SEYMOUR: That is a conservation move. Basically, if you are going -- say, you're fishing right there off of Pass Reef, or somewhere out of Bay St. Louis, or say, one of the guides out of Ocean Springs, it gives them the opportunity -- if he has thirty speckled trout, or twelve, or twenty-four, that would be probably plenty enough trout for his customers because he is actually looking for a trophy-style fishery. I don't believe he is quite looking for a number-style fishery, as most folks would think. We are trying to conserve as much as possible.

COMMISSIONER GOLLOTT: Do you understand my question?

In other words, when I've been on boats, the captain usually locates the fish and says, "Hey, fish over here, or fish over there" because a lot of times the customers don't know how to fish, don't know where to fish, unless you are fishing with experienced people. A lot of times people that charter boats are not experienced and the captain usually fishes. They want the customers to catch the fish because they are paying.

I'm just curious. I mean, it's nothing to me,

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but I was just curious.

Have y'all thought about that?

CLARENCE SEYMOUR: Well, most of the time -- actually, I guided the first couple of years of my business for trout, flounder, anything that was out there.

Yes, the ultimate goal is to put the customers on the fish, but what we're basically stating is that the for-hire really doesn't care to keep their limit. If you've got five people on the boat and you've got three passengers, the three passengers would be the limit, or four, with the non-excluded.

Sure, the captain does find the fish for sure, but ninety percent of the time you are basically putting on live shrimp, or showing them how to cast. That's correct.

COMMISSIONER GOLLOTT: Thank you, sir.

CLARENCE SEYMOUR: Thank you.

JOE JEWELL: Thank you, Clarence.

Next up on the agenda item 6a, CCA position statement.

JAMIE MILLER: Joe, I'm sorry. One moment.

We had someone submit a request to speak.

COMMISSIONER GOLLOTT: Don Abrams.

DON ABRAMS: Good morning. I'm Don Abrams from Ocean Springs. I represent the Saltwater Fly Fishing Club

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1 on the Gulf Coast, HOSSFLY.

2 We've got about forty members. We have several
3 of us here today, and, basically, want to offer our
4 suggestions about what should be done to improve the
5 speckled trout fishery in the state.

6 I'll tell you what we would like to see, and,
7 then, a little bit about why.

8 We really feel like there's a need for immediate
9 action to do something about the declining speckled trout
10 fishery. The science says it's happening and our members
11 who fish say it's happening, and folks are upset about it.

12 We would like to see all regulatory decisions on
13 these sorts of things based on science and on
14 recommendations of the Gulf Coast Research Laboratory and
15 the Finfish Division of DMR.

16 We are blessed to have some really, really good
17 professional talent. Unlike other places in the country,
18 we've got scientists here who know what is going on. We
19 need to honor their input and act on it.

20 As an absolute minimum, we would like to see the
21 minimum length increased. Thirteen inches is just too
22 small. We would like to see fifteen inches and we would
23 like to see a reduction in the daily catch limit from
24 fifteen to ten, more in line with what Alabama and the
25 Florida panhandle do, than like Louisiana. Louisiana is a

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1 different cat. We are more like Florida and Alabama.

2 We would like to see a maximum length. We need
3 to protect those big breeding female fish. All the big
4 specks and all the big red fish are females. We need to
5 keep those fish in the water. They are not as good to eat
6 as the smaller fish and they are simply too valuable to
7 put in the frying pan, and they don't taste as good
8 either.

9 We would like to see an upper limit, a slot
10 limit sort of like the Florida panhandle has. We would
11 suggest twenty-two to twenty-four inches, but we are in
12 line with whatever DMR and GCRL say we need to do.

13 If a guy wants to keep a big fish to brag about,
14 that's great. Let him keep one fish per day. We don't
15 need to be killing lots of these big female breeders.

16 If it is necessary to rebuild the stock, we
17 would even support a temporary closed season. Florida
18 puts speckled trout off limits in February. If we need to
19 do that here, let's do it. Let's rebuild the stock.

20 A couple of observations about why we feel this
21 way. Speckled trout are the keystone species that our
22 members fish for, that everyone on the Gulf Coast fishes
23 for. They are the reason tourists come here. They are a
24 big part of life on the Coast, and they are a big part of
25 our tourism industry, including the for-hire business.

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1 The real value of those fish is in thousands of
2 Mississippians and visitors getting them on a hook and
3 line, and the value is not in pounds of filets on the
4 scale. These are recreational fish and they bring in
5 millions of dollars and untold enjoyment. We need to
6 value them as those recreational fish.

7 Those bigger fish, a single twenty-inch speckled
8 trout weighs about three pounds. Those little thirteen-
9 inch fish that we can keep, now, it takes four of those to
10 come up with a similar weight. Four thirteen-inch fish,
11 or one twenty-inch fish, weigh about the same, three
12 pounds.

13 which one are people going to brag about?

14 which one are people going to show photos of to
15 their friends?

16 which one is going to encourage more people to
17 visit the state and spend their money here?

18 We want a strong speckled trout fishery, we want
19 to encourage bigger fish, and we don't need the big catch
20 limits.

21 We like to eat fried fish as much as anybody
22 else. We just had our annual fish fry, but we don't need
23 fifteen fish a day and we don't need thirteen-inch fish.

24 Please do something. Let's get the speckled
25 trout fishery back on track.

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1 Thank you.

2 COMMISSIONER GOLLOTT: Thank you, sir.

3 Next we have David Wells.

4 DAVID WELLS: Good morning Commissioners and
5 Director.

6 I would like to first take this opportunity for
7 the public and us to speak on issues before this
8 Commission.

9 To give a little background, I retired in 1999
10 and moved to Bay St. Louis, and I am a very avid
11 fisherman. My wife would testify to that. She probably
12 says I fish too much.

13 I am a life CCA member and I just want to speak
14 to you today as a recreational fisherman, not a CCA
15 member.

16 I spend countless hours on the water, in the Bay
17 St. Louis estuary. The two best years, since I retired in
18 1999, were probably the first two years after Katrina and
19 the first year after the BP oil spill, and the reason is
20 because there was no pressure on the fish. We had a lot
21 of fish and lot of nice fish. Today, what I am finding
22 out is we have a lot of small fish.

23 The first two weeks of this month, I spent every
24 day on the water, and this is not a fish story I'm getting
25 ready to tell you. I probably caught between four and

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1 five hundred speckled trout. I was catching them two at a
2 time for over a hour every morning. I had one keeper and
3 it barely made thirteen inches. We have a lot of small
4 fish.

5 It is my commitment to this Commission that we
6 need to protect these fish coming up.

7 As a chapter member, we have done a lot in our
8 area to try to enhance fishing. My dear friend, Ernie
9 Zimmerman, started the Ernie Zimmerman Family and Friends
10 Fishing Tournament where we caught speckled trout for the
11 fish hatchery, and I don't know what it is, right now, but
12 I know we released over five hundred thousand speckled
13 trout in our estuary, and we are still not bringing that
14 fishery up to where it needs to be today.

15 My thinking and recommendation to this
16 Commission is the science tells us the bag limit doesn't
17 really matter that much. It's the size limit.

18 If I could have my way, let's say fifteen inches
19 for one year, and, then, let's restudy it after a year and
20 see how the stock has increased and make a decision after
21 one year.

22 Thank you very much.

23 COMMISSIONER GOLLOTT: Thank you, sir.

24 Joe.

25 JOE JEWELL: I would like to thank the public

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1 for those comments.

2 Next up on the agenda is item 6a, the CCA
3 position statement. That will be given by Mr. F. J.
4 Eicke.

5 F. J. EICKE: Good morning Commissioners, Ms.
6 Chestnut.

7 My name is F. J. Eicke. I'm the Chairman of the
8 CCA Mississippi Government Relations Committee.

9 You have, already in your packet, a position
10 statement that we have submitted. There are details in
11 there that I want to uncover that are available to you,
12 but I did want to make some comments in addition to what
13 you have before you.

14 Our respect for the Fisheries Division staff of
15 the department has been confirmed, by the manner in which
16 this stock assessment has been developed, as well as the
17 research staff of the Gulf Coast Research Laboratory who
18 has provided additional expertise for this peer reviewed
19 document. I think the key statement is that it is peer
20 reviewed which means there have been outside experts who
21 have looked at this review and have decided that it is a
22 statement that is based on fact and, therefore,
23 scientifically sound.

24 without question, the stock assessment mandates
25 that it is time to address the real issues with this

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1 important species in Mississippi waters.

2 I can personally attest to disagreements that we
3 had back in 2007 and 2008, but that time has passed. We
4 are where we are, and we need to take action, now.

5 we have some broader concerns that I hope the
6 department and the Commission can address in the future.
7 These include a growing concern with bycatch as it affects
8 this species and numerous sport fish in the sport fish
9 base. We are aware that such factors are typically not
10 included in a stock assessment, but clearly need to be, as
11 results of the stock assessment are used by you as a guide
12 in developing fishery management plans.

13 As we all know, stock assessments do not dictate
14 what you do. Other factors can intervene that need to be
15 taken into consideration.

16 There is developing a model that is an ecosystem
17 based fishery management model that I hope we can more and
18 more incorporate in the decisions that you make that
19 essentially augment a stock assessment.

20 The Commission is tasked with developing fishery
21 management plans, and that responsibility includes
22 considering interactions across the spectrum of marine and
23 environmental variables.

24 Second, CCA and the Commission and department
25 must work to engender a conservation ethic in our citizens

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1 that would assure that we not only value our marine
2 resources, but also do no harm when we are privileged to
3 enjoy what we have in coastal Mississippi.

4 In this instance, we begin by working to educate
5 and advocate a catch-and-release mentality as a natural
6 event in how our citizens think of our marine resources.

7 Even those hard head catfish have need to
8 survive and do their part. I remember as a child my
9 father hated hard head catfish and we used to do away with
10 them, but that kind of thing has been revised in my
11 thinking at present and needs to be.

12 with Spotted Seatrout, in particular reference
13 to what we are dealing with today, we know without
14 question that research tells us survival is high and
15 better handling of undersized fish simply assures that
16 those fish live to grow and to spawn.

17 CCA gives leeway to the Commission to consider
18 the alternatives that make sense, but, in our thinking,
19 there is no room for not returning to at least the
20 fourteen inch minimum, since we know that was working in
21 previous years.

22 What bag limit the Commission sets needs to be
23 based on the best available science that I'm sure will be
24 presented to you today, that we can muster to return our
25 spawning potential ratio to a level that will assure a

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1 sustainable resource in a reasonable time limit.
 2 As you well know, or maybe you don't, but I will
 3 tell you, the red fish is a prized species as you see on
 4 windows of trucks and such that we display, but the real
 5 thing is that this species, the Spotted Seatrout, occupies
 6 more devotion among Mississippi recreational anglers, and
 7 maintaining a healthy resource is the responsibility of
 8 this Commission, but also every concerned citizen angler
 9 in this state who realizes that our individual actions
 10 need to assure that our grandchildren have a resource to
 11 enjoy.

12 I appreciate the opportunity to speak to the
 13 Commission and to be on the agenda as an item. I think
 14 CCA shares a lot of responsibility with you, although we
 15 are obviously not a governmental agency. We are a
 16 nonprofit that focuses on the area that you very often
 17 address, and we appreciate the opportunity to be involved
 18 not only with the Commission, but continuing involvement
 19 with the staff and the staff at GCRL as well.

20 If you have any questions for me, I will be
 21 happy to answer them.

22 COMMISSIONER BOSARGE: Mr. Eicke, when you talk
 23 about bycatch, I see where you list several different
 24 commercial fisheries. Maybe we can get Joe to chime on
 25 this a little bit, but I think you are grabbing at straws.

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1 I know the commercial shrimp fishery. I've been
 2 involved in that all my life. I caught one speckled
 3 trout, in all my years of fishing.

4 F. J. EICKE: I buy shrimp directly off the
 5 shrimp boats and I've got the most respect for the people
 6 that I buy from and the service they provide not only to
 7 the community, but doing something that is providing an
 8 income for them.

9 One time I observed them unloading small
 10 croakers. In talking with one of the charter captains,
 11 for example, I said to him -- we were talking about the
 12 very issues that we are addressing today, and he said he
 13 fishes with small croakers. What we know is that there is
 14 a phenomenal bycatch of croakers.

15 COMMISSIONER BOSARGE: Biomass of croakers, yes,
 16 sir.

17 F. J. EICKE: There are various ways to look at
 18 this. I can, for example, refer you to an article that
 19 was published in our Tide magazine where they were
 20 restricting --

21 COMMISSIONER BOSARGE: (Interposing) We're
 22 talking about speckled trout bycatch, now. We're not
 23 talking about croakers and --

24 F. J. EICKE: (Interposing) Well, the other
 25 thing you need to consider is the forage space that

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1 speckled trout feed on because that's important.

2 COMMISSIONER GOLLOTT: Thank you, Mr. Eicke. I
 3 believe that's about enough of that.

4 F. J. EICKE: I think so, too, but we will
 5 continue to bring up this in that context as well as
 6 others.

7 COMMISSIONER BOSARGE: Thank you, sir.

8 F. J. EICKE: Thank you.

9 COMMISSIONER GOLLOTT: I'll say one thing. I'm
 10 very glad that Eicke is proud of our scientists and our
 11 Gulf Coast Research Laboratory because, in the letter that
 12 he sent us, he says the data should be questioned on
 13 recreational trout fishing and on commercial. I don't
 14 think he's got that much confidence in it.

15 Joe, why shouldn't our bycatch be included in
 16 the stock assessment?

17 JOE JEWELL: I think what Mr. Eicke is saying is
 18 that, in general, bycatch should be considered.

19 Now, as the Commission is aware, bycatch, when
 20 modeling data for these outputs, is not considered, and I
 21 know that Mr. Eicke -- I've had personal conversations
 22 with him -- he is aware of this. No model and current
 23 stock assessment uses bycatch.

24 I can cite to y'all a couple of references that
 25 I have here with me today:

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1 Florida's Stock Assessment for Spotted Seatrout
 2 in 2009. The Striped Mullet Stock Assessment in Louisiana
 3 this year. It's a very current one, 2016. Neither one of
 4 those peer reviewed stock assessments considered bycatch.

5 Currently, none of the models out there use
 6 bycatch in their stock assessment models and neither did
 7 the one that we used for Spotted Seatrout here in
 8 Mississippi which was a very intensive peer reviewed
 9 document and part of the best science available, right
 10 now.

11 In general, it's probably a good idea to
 12 consider bycatch, but there has to be a mechanism, or a
 13 template, that is scientifically sound and approved for
 14 that.

15 When considering that, you also have to consider
 16 the recreational bycatch. To be a balanced approach, you
 17 have to have all inputs available to you. You have to
 18 consider the recreational discards and all the types of
 19 things that you would consider for a commercial fishery.
 20 To have a balanced scientific approach, you would have to
 21 consider the discards for the recreational in the
 22 community.

23 COMMISSIONER BOSARGE: Joe, where would you say
 24 the biggest bycatch is?

25 I mean, I'm looking and thinking and going

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1 through all the fisheries in my mind, and I don't see
2 bycatch of Spotted Seatrout.

3 JOE JEWELL: Well, you know, the issue came up
4 about shrimp bycatch. You are right, Steve. Some of the
5 largest and heaviest regulated industry is the shrimping
6 industry. We have area and seasonal closures and gear
7 restrictions. There are all kinds of tow time
8 restrictions. The actual shrimp industry, because of the
9 bycatch, is some of the heaviest regulated commercial
10 industry we have.

11 COMMISSIONER BOSARGE: I mean, I just don't see
12 bycatch as an issue, in the commercial fishery.

13 JOE JEWELL: For Spotted Seatrout.

14 COMMISSIONER BOSARGE: Correct. If you want to
15 look at bycatch, I think that -- not to point a finger,
16 but I would say that the recreational fishery has the
17 biggest bycatch of speckled trout than any fishery.

18 JOE JEWELL: Because they have the largest
19 members. Certainly that is a consideration and it is
20 certainly debatable by both components, but, when
21 considering the Stock Assessment for Spotted Seatrout, we
22 believe it is the best science available, based on the
23 best scientific modeling that is currently available.

24 COMMISSIONER BOSARGE: Correct.

25 JOE JEWELL: With that said, we will move on to

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1 the agenda item that is the source of all the comments,
2 agenda item number 6, the Spotted Seatrout Stock
3 Assessment.

4 Dr. Paul Mickle will begin the presentation, the
5 first part of it, and Mr. Matt Hill, the Bureau Director
6 of the Finfish Bureau, will finish up.

7 PAUL MICKLE: Good morning Commissioners.

8 The talk today is going to have pretty much two
9 large sections in it.

10 As you know, we received the model results
11 yesterday, as per the request made by the Commission of
12 looking at the certain management options that were talked
13 about last month.

14 The beginning of the presentation is going to be
15 kind of Gulf wide and a southern states management plan
16 strategy that has gone on with Spotted Seatrout in the
17 south. I think it is pertinent for our conversations here
18 today and it supports a lot of points that we are going to
19 make here in this talk.

20 The stock assessment -- just, again, to repeat
21 for some new people in the audience -- was completed in
22 April 2016 by Robert Leaf, David Dippold and Read Hendon
23 from the Gulf Coast Research Laboratory. They are the
24 authors.

25 Completed internal review here at MDMR, in May.

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1 Completed external review, in July 2016. Has been
2 accepted as available to the public August 2016. We
3 posted it on our website. You can find it still posted up
4 there on the bottom right-hand side of our cover page.
5 Just type in that address. It is right there for the
6 public to see.

7 Again, it is presently accepted on a peer
8 reviewed level as a model identified as best available
9 science. This is a significant step. We can actually use
10 this for management decisions, now.

11 I would like to commend Robert Leaf and some of
12 the modelers for getting this ready here today, as we
13 received it yesterday. It has to be validated to make
14 sure it is sound science. I am very proud of our DMR
15 staff and GCRL staff for being able to present this here
16 to you today.

17 We have completed the outputs, about ninety-five
18 percent of them. There are a few little bits of pieces
19 that need to be finished up. We are still waiting on a
20 few data caveats from NOAA to fill in. It's more size-
21 based. It's more of the metrics that we need, in these
22 last few models. We just need a couple more specific size
23 metrics, and NOAA houses the data. We are still waiting
24 on that, but, again, ninety-five percent of the options
25 are presented here in model outputs today.

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1 Again, we do see recently -- we are currently at
2 our highest F which is fishing mortality that we have
3 recorded, and we are obviously at our lowest SPR in recent
4 years that we have recorded, just to remind what the base
5 model outputs have shown here (indicating slide).

6 I would like to commend the Commission, the CMR,
7 on choosing an SPR of twenty percent. This now gives us
8 the ability to make these management recommendations to
9 you. This gives us these these targets, these numbers that
10 we can base our decisions and recommendations on and allow
11 you, as the Commission, to make your best selections
12 towards sustainable management.

13 These are our targets here. We talked about
14 this last month and the month before actually. These
15 numbers of biomass we need to leave in the water, and,
16 then, this is the harvest yield here, these numbers here
17 you have in your handouts, with the SPR of twenty percent
18 that was chosen by the CMR.

19 I'm kind of just going to go along the Gulf of
20 Mexico, and, then, work my way up the east coast very
21 quickly to just kind of tell the story of where management
22 has actually gone with Spotted Seatrout.

23 Like I've said in previous meetings, it is a
24 very popular fish. People are very passionate about it.
25 Obviously, we have a very large audience here today. We

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1 all want the same thing. Every person in this room, I
2 promise, wants sustainable harvest of Spotted Seatrout in
3 all levels, commercial and recreational. We are all
4 working toward the same thing.

5 In 2008, Texas had kind of a trophy fishery.
6 They had that slot, fifteen inches and twenty-five inches,
7 with one over, and a ten-fish bag limit. They pretty much
8 kept that the same in 2016, but they did create a southern
9 zone, and this is because of high fishing rates in the
10 southern part of Texas, along with some productivity
11 levels of their estuaries. They took a little bit more
12 stringent regulation in that southern part, and that has
13 been their kind of management strategy over in Texas.

14 Now, Louisiana, they have done status quo. They
15 are at twelve inches and twenty-five bag limit, and they
16 have kept it the same.

17 I created these figures here, and this is
18 actually catch-per-unit effort. This is your catch over
19 here per unit effort values and these are the years on the
20 x-axis. You can see, through time, they have seen a vast
21 decrease in catch-per-unit effort. Although there are a
22 still a whole lot of trout over there, people are having
23 to fish harder to get what they used to catch. That's
24 what catch-per-unit effort really represents (indicating
25 slide).

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1 Some are clear water with low productivity. Some are very
2 dirty water like Apalachicola that is high productivity.

3 They science-based their decisions, made all
4 these management recommendations and their Commissions
5 have passed these, and they are the only state where
6 catch-per-unit effort has increased, since 2008, that I'm
7 going to present here today.

8 I would like to say that, again, this is a
9 trophy based fishery. They have absolutely incredible
10 amounts of fishing mortality. They have so many anglers,
11 both for-hire and recreational, that they have a hard time
12 just keeping tabs on it. It is just astronomical, but
13 these aggressive management recommendations have worked
14 with high fishing mortality.

15 This is Georgia, 2008 to 2016. They have
16 recently done a size change. They have gone from thirteen
17 inches to fourteen inches, left their bag limits the same,
18 and commercial take is limited. They don't have a lot of
19 commercial landings so they don't spend a lot of resources
20 monitoring it. They have seen a sharp decline. They are
21 trying to bring it back around, with this recent size
22 change, and we are all eager to see their updates and see
23 if Spotted Seatrout are really coming back.

24 South Carolina has seen slight declines. They
25 had a thirteen inch. They went up to a fourteen inch,

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1 Here in Mississippi, we had a size change. We
2 actually went down from fourteen to thirteen, from 2008 to
3 2016, and, again, you have seen the results from the stock
4 assessment. We have seen a decline. Our catch-per-unit
5 effort is declining as of recently and, hence, the purpose
6 of the stock assessment which we picked up on.

7 Alabama has been status quo. Like Louisiana,
8 they have kept it the same, fourteen inches and ten fish
9 bag limit. They have seen a pretty sharp decline in their
10 catch-per-unit effort here over time since 2008. They are
11 having some productivity issues. Mobile Bay is having
12 some issues with their productivity level and
13 functionality of that system. Of course, they have high
14 fishing mortality as well.

15 Florida is very different. Commissioner Bosarge
16 brought this up last meeting and he was absolutely correct
17 in saying that. Florida has taken this trophy fishery,
18 and they have taken some really stringent regulatory
19 management decisions toward it. They have actually four
20 large zones. They are thinking about a fifth zone, now.
21 They have to do this because the state runs from north to
22 south. Their spawning seasons are broken up, from
23 southern Florida to northern Florida. They have different
24 productivity levels within their estuaries. They have
25 lots of different size estuaries, small ones, large ones.

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1 since 2008. They have actually lowered their bag limit as
2 well with no commercial take. This is a recent change as
3 well, and we are waiting to see what actually will happen
4 with the stock assessment update here.

5 The last one, I consider North Carolina kind of
6 the border of the south. This will be the last state that
7 I will present here. They took a big swing in it because
8 they were in massive decline. They went from twelve to
9 fourteen inches and they dropped their bag limit from ten
10 to four. This is the most aggressive change that I have
11 seen in Spotted Seatrout management, and I'm eager to see
12 what change will be around, after the results come in from
13 their assessments.

14 A lot has happened, since 2008. A lot of the
15 states have done a lot of aggressive changes to try to
16 stem the over harvest that could potentially be occurring
17 in these areas.

18 To summarize it very quickly, seven of the eight
19 states have seen dramatic decreases in catch-per-unit
20 effort. They have had to fish harder to get the landings
21 that they have previously gotten.

22 Six of the eight states have either raised their
23 minimum size, or lowered their bag limits, since 2008.
24 Louisiana and Alabama are the two that have not.

25 All states, except Louisiana and Mississippi,

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1 are at fourteen inch minimum, or greater.

2 No states have undersized allowances.

3 Louisiana and Mississippi fishing pressures are
4 different. It is very important that we justify that
5 Mississippi is a different animal, different entity than
6 Louisiana. Mississippi has about half a million fishable
7 acres with one angler per acre. Louisiana has about three
8 point five million fishable acres with pretty much half
9 the anglers per area.

10 Louisiana has small pockets of populations of
11 Spotted Seatrout. These are unfished because of the vast
12 marshes of Louisiana. They just don't get to them, and
13 those allow a very large reproductive capability of the
14 whole population.

15 Are there any questions, before we jump into
16 these management options and model outputs?

17 COMMISSIONER GOLLOTT: Paul, I'm looking at
18 Mississippi and Alabama. With Alabama's fourteen inch
19 fish, it looks like they fell about the same as
20 Mississippi.

21 Am I looking at this thing wrong?

22 PAUL MICKLE: Yes, sir, it's similar in
23 decrease. Theirs is a little bit steeper, and their
24 variability is a little bit less. They haven't done a
25 formal stock assessment and released it. This is just

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1 catch-created effort. This is just sort of making
2 inferences of how the stock is doing through certain
3 management conditions, but, without truly making
4 statements -- I don't want to speak for Alabama. Without
5 a stock assessment from Alabama in my hand, I presented
6 just catch-per-unit effort which is just a conversation
7 piece for how things are going in these states, again,
8 just changes.

9 COMMISSIONER GOLLOTT: One more question for
10 you.

11 When did you start this assessment?

12 PAUL MICKLE: When did we start our assessment?

13 COMMISSIONER GOLLOTT: Yes.

14 PAUL MICKLE: About a year ago is when it began.

15 It takes a long time to get all the data together and
16 start building models.

17 Anybody else?

18 COMMISSIONER BOSARGE: Yes.

19 When you talk about Florida and the mortality in
20 Florida, can you point it out?

21 Where is this mortality coming from?

22 PAUL MICKLE: You're talking about fishing
23 mortality?

24 COMMISSIONER BOSARGE: Fishing mortality.

25 PAUL MICKLE: Well, Florida has -- of course, I

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1 don't have the exact numbers, but it's a lot of
2 recreational fishing licenses, and I can find those
3 numbers.

4 When you think about the large number of anglers
5 per area in Florida, it's just astronomical as to how hard
6 they are fishing their waters. Spotted Seatrout is an in-
7 shore fishery. It's not hard to get to, and there are a
8 lot of boat ramps in Florida.

9 If you go to a boat ramp on Saturday, pretty
10 much anywhere in Florida, you are going to wait for an
11 hour to put your boat in. Just relate that to fishing
12 pressure, when you go fishing on Saturday here in
13 Mississippi. You might have two boats in front of you
14 around 8:00 o'clock in the morning launching, and your
15 parking lots are fairly full.

16 In Florida -- and I've been all around the
17 state. I have lived my entire life in Florida, before I
18 moved here -- the parking lots, they are down the road a
19 mile. You are walking a mile to get to your boat, once
20 you have launched it. These are no exaggerations. It's
21 impressive, the fishing pressure over there.

22 COMMISSIONER BOSARGE: When I started doing the
23 research and looking at what other states have done, and I
24 looked at Florida and they were, basically, the only state
25 that had made the changes and looked like were on a pretty

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1 good path to recovery.

2 PAUL MICKLE: Yes.

3 COMMISSIONER BOSARGE: And, then, when you look
4 at a twenty percent SPR, that's why I kind of made the
5 argument that I didn't think that was quite enough.
6 Florida was there, at one point, and they saw that it
7 wasn't enough.

8 We don't have the fishing Florida has, but, at
9 the same time, I still worry a little bit about our twenty
10 percent SPR and whether that is going to rebuild our
11 fishery.

12 PAUL MICKLE: It's a target. Florida has had
13 the luxury of many areas. We have north Florida, central
14 Florida and south Florida, and this wasn't created
15 overnight. They have different SPR targets per region.

16 Like I said, they take the management approach
17 that I agree with. There are productivity levels that are
18 high in certain areas and low in certain areas.

19 We as the state and y'all as the Commission have
20 to figure out, through management strategies and years of
21 changing things around, what is our sweet spot SPR. We
22 are starting that conversation. We are starting that
23 journey, and we will get there.

24 Twenty percent may be too high. It may be too
25 low, like you were saying. We don't know yet, until we

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1 try it. We are allowing the model to give us direction.
 2 Management decisions should be made by y'all.
 3 COMMISSIONER BOSARGE: Continue.
 4 PAUL MICKLE: Thank you.
 5 Let's get to the numbers here. Last month Matt
 6 and I presented these management options to you, and you
 7 gave us direct incentives and requests to use the model to
 8 give you decision-making matrix to allow for your
 9 management decisions.

10 These that are highlighted in yellow are what
 11 the model can positively handle well, and we can give you
 12 those today.

13 These last four, vessel bag limits, size limit
 14 slots, gear restrictions and area closures, there is no
 15 way a model can handle that. These are scenarios. When
 16 you close an area, our landings are statewide.

17 See what I mean? The model can't handle these
 18 last four.

19 Vessel bag limits, we can't estimate how many
 20 people are on the vessel each time they go. It could
 21 range from twenty for some of the big head boats down to
 22 one person, and the model just quantitatively can't handle
 23 these last few (indicating slide).

24 Again, the model is going to give us these first
 25 five here, and we are going to give really good

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1 indications here today.

2 I would like to present status quo. If we do
 3 nothing and change nothing, you can see here fishing
 4 mortality is at one point four three which the model
 5 determined which is very high for Mississippi. SPR does
 6 not change and we pretty much stay right where we are and
 7 nothing happens, the yield will slightly increase, and,
 8 then, level off, and that is all we will ever get out of
 9 the fishery.

10 This can be somewhat of a dangerous situation
 11 because, like I said, when we did a size change in 2008,
 12 when productivity levels were high and natural mortality
 13 showed signs of being low, that could have possibly
 14 worked, but, in times where natural mortality can be high
 15 and fishing pressure is high and increasing with each
 16 year, I think that this is a dangerous situation to be in.

17 Minimum size changes. You asked us to look at
 18 going from thirteen- to fourteen-inch size limit. So we
 19 did. We used the model to see what actually would occur
 20 and SPR does not increase. It stays at eight point eight.
 21 Yield quickly declines and levels off.

22 Again, the model is telling us this. When we
 23 figure out and have a little bit more time to see that and
 24 push some more data through and update, SPR could be
 25 creeping up slightly at a thirteen and fourteen inch. The

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1 model is just not quite picking that up right now, but has
 2 the potential to.

3 The terminal year of the data, in the stock
 4 assessment, is 2014. Once we do the update, we will have
 5 2014, 2015 and 2016 all at the thirteen inches, and we
 6 will be able to see. If we do go to fourteen, or do any
 7 size change, these updates will pick this up and figure
 8 out if SPR is going to increase, or not.

9 I just wanted to present this first one to show
 10 kind of how the model is working, what kind of outputs I'm
 11 going to be bringing to you with the scenarios you give
 12 us, so you can help and understand and make the decisions
 13 that need to be made toward sustainable management.

14 Here's size change from thirteen to fifteen
 15 inches which you asked us to look at. That actually did
 16 give us a very large increase in SPR over time. Between
 17 2015 and 2019, if you go from thirteen inches to fifteen
 18 inches, SPR increases quite dramatically. Yield remains
 19 constant which is what you want. You want a constant
 20 catch that allows for everyone to be happy, and that's a
 21 real indicative sign of sustainable fishery.

22 Now, we see it increasing here, and, then, it
 23 actually picks up rate of increasing. Once you get that
 24 nice fine stock built up, it starts taking off even more.
 25 As you see here, within a three-year period, you are over

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1 twenty percent SPR, and that is a real indication of the
 2 model giving you very good information.

3 You also asked us to look at seasonal closures.
 4 SPR does not significantly increase. This is a figure
 5 just showing landings by month on the x-axis. It's just
 6 twelve months of the year, and you asked us to look at
 7 closures in April and May and see what kind of SPR percent
 8 change that might occur, or help the SPR to get up.

9 You can see here landings in April are very low.
 10 You are not just getting much, if you are shutting down
 11 and doing seasonal closure.

12 In May, it is starting to go up, but, if you
 13 compare these two numbers to the other ten months you are
 14 just not getting enough to actually affect SPR in the
 15 fishery. It's not enough of an impact to get SPR to start
 16 going up. That's what the model is telling you.

17 Question, Steve?

18 COMMISSIONER BOSARGE: If you change the months,
 19 would it make a difference?

20 PAUL MICKLE: Absolutely. Yes.

21 COMMISSIONER BOSARGE: In your estimation, which
 22 months would be the months that you would change?

23 PAUL MICKLE: It's a real linear relationship,
 24 when you start thinking about it. I know why y'all chose
 25 those months because of spawning.

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1 COMMISSIONER BOSARGE: Right.

2 PAUL MICKLE: We are looking at yields based on
3 the fish out there. When you are shutting down harvest in
4 this, you are allowing them to spawn, and the biological
5 implications for that, we don't know what they could be
6 and it's an experiment.

7 Let's say you shut down when it's really hot.
8 Let's say July and August. We could run that and see if
9 SPR starts to trickle up. That could be a recommendation
10 you make to us, and we can go back. Like I said, the
11 models are built. We just start crunching.

12 COMMISSIONER BOSARGE: I'm trying to be an
13 advocate of closed seasons, but, I think, Mr. Abrams, when
14 he spoke and he talked about catching three to four
15 hundred undersized fish, and, then, I look at Mr. Eicke's
16 CCA letter where he says survivability, or mortality, is
17 about twelve percent. That's basically forty fish, or so,
18 that were killed.

19 We are worried about with all these young fish,
20 especially if we raise it to fifteen inches, that there
21 are not going to be many fish caught, but there is going
22 to be that mortality that is going to transpire during
23 that time.

24 PAUL MICKLE: Yes, and that's the concern of a
25 lot of the other states and they considered that and they

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1 didn't make their size increases and, again, we are seeing
2 what their updates will be.

3 It worked in Florida. Florida used to be down
4 to very small lengths, and they just had to go up. You
5 know, with the high fishing pressure in Florida, they are
6 sifting through data just like we are, but it worked.

7 Even though you are losing some in mortality,
8 that benefit of allowing that to stay out of the take,
9 allowing those small fish to stay out of take of the
10 fishery allows that reproduction and that SPR to go up.
11 It's enough of a benefit. Small trout still make lots of
12 babies. That's what my professor told me.

13 COMMISSIONER BOSARGE: They have got to survive.

14 PAUL MICKLE: Yes. Even though they don't make
15 as many eggs as large fish, there are a lot of little
16 fish, as we all know, and they outweigh the large fish
17 mathematically.

18 Continuing on. You asked us to look at per
19 person bag limit changes. We pushed the biggest extreme
20 change that you asked us to do, from fifteen fish to ten
21 in the bag limit. SPR does not significantly increase,
22 and this is because, when we were looking at the data, the
23 majority of the anglers are not catching their limits. If
24 you just decrease the bag limit, it's not going to have an
25 affect on the fishery, and I agree with that. I agree

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1 with that very much. I don't think it's going to get you
2 much.

3 COMMISSIONER BOSARGE: what is the average
4 catch?

5 MATT HILL: Six.

6 COMMISSIONER BOSARGE: Six fish?

7 PAUL MICKLE: Yes. There are a lot of great
8 trout fishermen in this state that catch their limit every
9 single time. I'm not going to say there isn't, but there
10 are a whole lot of people that are not catching their
11 limit, including myself.

12 You asked us to look at recreational quotas. We
13 took a very extreme approach of cutting F in half. We are
14 at very high F of one and a half, and indications of this
15 last year were even higher.

16 We took just a huge whack at it, cut F in half,
17 point eight three, and that only got us to SPR of sixteen
18 percent. It's not reaching the target of twenty that you
19 chose. Cutting your harvest in half is still not going to
20 get you there.

21 If you do a recreational quota, you would have
22 to set the quota really low and that would be a difficult
23 thing to do because you are allowing those small fish to
24 be taken and large fish. It's a difficult thing to
25 manage. The math handles it well, but it's a tough thing

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1 to do, but, again, this is the five percent that is not
2 ready yet that we will present to you on request.

3 We need to look at SPR's of eighteen, twenty,
4 twenty-two and twenty-five just like you requested, but,
5 again, we just got the model outputs yesterday. This
6 presentation was made yesterday, and we are currently
7 getting there.

8 Again, SPR did not significantly increase. Your
9 yields, obviously, will be high in the beginning of the
10 year, and, then, they will level off quite quickly, once
11 the year has passed of going through a quota.

12 Are there any questions about some of the model
13 outputs that I have presented here today?

14 COMMISSIONER GOLLOTT: Paul.

15 PAUL MICKLE: Yes, sir.

16 COMMISSIONER GOLLOTT: what I'm getting out of
17 this, if we don't do anything, then, everything will stay
18 status quo. We just let it stay like it is, right now,
19 and I think Louisiana has chosen to do that.

20 PAUL MICKLE: Yes, sir. I will probably start
21 the answer and let Matt finish it.

22 COMMISSIONER GOLLOTT: Go ahead.

23 PAUL MICKLE: With the fishing mortalities that
24 have been pushed through the model, that's fishing
25 pressure, fishing levels of three years ago. We are

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1 currently fishing even higher. We are harvesting more
2 fish. We are causing more fishing mortality than the
3 model is even accounting for. Things are actually worse
4 than the model is telling us, right now, because fishing
5 is so high.

6 A size change from thirteen to fourteen works in
7 low fishing mortality.

8 I have people come up to me all the time and say
9 back in the day I used to catch and keep everything I
10 wanted. There were not length restrictions, and the
11 fishing was good my entire life. I kept everything off
12 the dock, ten inches, eight inches. I kept everything and
13 it worked the whole time. I'm eighty years old and, now,
14 it's not any good. Now, there are regulations.

15 Well, there were probably around two thousand
16 people fishing the Coast of Mississippi back then. Now,
17 there are over fifty thousand people fishing the Coast of
18 Mississippi. Things are very different, now, and fishing
19 levels have obviously gone up very much. I don't think
20 anyone would disagree on the fishing mortality in the
21 state of Mississippi.

22 COMMISSIONER BOSARGE: Fishing efficiency has
23 gone up quite a bit.

24 PAUL MICKLE: Absolutely, efficiency of fishing.

25 MATT HILL: I figured this would be a question

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1 that would come up and be asked. I'm going to try to get
2 back to that slide, if I can.

3 Status quo, if you do notice, we have a current
4 rate of one point four three. That's the current rate of
5 2014. That is not the current rate, now. We are much
6 higher than that, right now. Unfortunately, it is on the
7 increase.

8 What we said was our SPR was at ten point three.
9 It's not at ten point three anymore. We are three years
10 down the road, now. We are approaching 2017. It is much
11 higher.

12 That SPR static line was based on what was
13 happening, then. There is definitely a decrease, now. We
14 just have the latest data to input into the model.

15 COMMISSIONER GOLLOTT: why is it three years
16 behind?

17 MATT HILL: Because you have to pick a terminal
18 year in stock assessment. Like I said, the stock
19 assessment takes us nearly a year. The 2016 data is not
20 even available to us yet.

21 COMMISSIONER GOLLOTT: 2015 should be.

22 MATT HILL: 2015 is available to us. It is,
23 now, but it was not when the stock assessment was
24 completed.

25 PAUL MICKLE: The way that the Federal

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1 Government gives us the data for our stock assessments,
2 they do it by wave every two months. We don't get the
3 year's data until halfway through the next year. We won't
4 have the 2016 data until halfway through the 2017 year.

5 When you asked us to do a stock assessment and
6 it was initiated, we had to wait for the 2015 data to be
7 certified and released which was just done a few months
8 ago, but we will perform an update.

9 COMMISSIONER GOLLOTT: How long will it take you
10 to perform an update?

11 MATT HILL: We're looking at, probably, by the
12 beginning of 2017 we will have an update for the 2015 and
13 maybe some preliminary data for the 2016 year, but the
14 2016 will be preliminary.

15 COMMISSIONER BOSARGE: Is the fishing mortality
16 in that model, in other words in your model?

17 PAUL MICKLE: Absolutely.

18 MATT HILL: The fishing mortality of one point
19 four three is in the model.

20 What we are telling you, now, is that it is
21 higher.

22 COMMISSIONER BOSARGE: Yes, that's what I'm
23 saying.

24 MATT HILL: We are using that number because
25 that's what we have.

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1 COMMISSIONER GOLLOTT: where does fishing
2 mortality come from, the data?

3 COMMISSIONER BOSARGE: well, it's the smaller
4 fish being caught and released, and, then, a certain
5 amount of them not making it.

6 MATT HILL: Fishing mortality is what is done to
7 the fishery through human interaction, whether it's
8 harvested, or whether it's discard mortality. Any human
9 interaction is considered in fishing mortality. What we
10 do to that fishery is included in that, in the mortality,
11 both recreational and commercial.

12 JAMIE MILLER: Matt, it's not just human
13 interaction. It is also natural mortality.

14 Right?

15 MATT HILL: Natural mortality gets into the
16 mortality as a whole. That is something that we don't
17 have as much control over. Natural mortality basically
18 goes into the total mortality of that species. You have
19 two components of it. You have natural mortality which
20 Commissioner Gollott put it the best I've heard. If we
21 leave fish in the bank, they die. If we don't fish at our
22 optimum yield for that fishery, those fish are going to
23 die, but that is not part of actual fishing mortality.
24 Natural mortality and fishing mortality are two separate
25 entities.

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1 The only thing we can control is F, the actual
 2 fishing mortality. That's what we can control.
 3 COMMISSIONER GOLLOTT: Any more questions?
 4 (No response.)
 5 COMMISSIONER GOLLOTT: Thank you very much.
 6 That was a very informative presentation.
 7 PAUL MICKLE: Thank you.
 8 MATT HILL: Thank you.
 9 JOE JEWELL: Thank you, Commissioners.
 10 Next up on the agenda for your consideration is
 11 final adoption of Title 22 Part 4, Mandatory Crab Trap
 12 Escape Rings, and it will be presented by Mr. Rick Burris.
 13 RICK BURRIS: Good morning Commissioners,
 14 Director Miller and Ms. Chestnut.
 15 Today, I'm going to bring to the Commission the
 16 final adoption of Title 22 Part 4, Rules and Regulations
 17 for the Taking of Crabs in the State of Mississippi.
 18 If you remember, at the August 16th meeting, the
 19 CMR passed a Notice of Intent. The same day that Notice
 20 of Intent was filed with the Secretary of State's office.
 21 You will see a copy of that filed Notice right here on the
 22 right (indicating slide).
 23 Also on the same day public notice was posted on
 24 the DMR web page.
 25 On August the 20th, the Sun Herald posted that

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1 notice in the legal notices section. There's a copy of
 2 that on the screen.
 3 The public comment period was August 16th through
 4 September 19th. That's a total of thirty-four days. To
 5 date, no public comments have been received.
 6 I will read that change into the record. If you
 7 remember, we added Section 115 to Chapter 6 Gear
 8 Regulations, and it reads as follows:
 9 "All crab traps placed in the marine waters of
 10 the State of Mississippi shall be equipped with no less
 11 than two (2) escape rings positioned on the vertical
 12 outside walls of the trap, with at least one (1) ring
 13 located in each chamber. Escape rings must have a minimum
 14 of two and three-eighths inches inside diameter. From
 15 April 1 to June 30 and from September 1 to October 31,
 16 escape rings may be obstructed for the purposes of
 17 retaining peeler, or buster, crabs."
 18 What we will need to continue is a motion to
 19 proceed with final adoption of Amendment of Title 22 Part
 20 4 Chapter 6 to add Section 115.
 21 COMMISSIONER GOLLOTT: Do we have a motion on
 22 this?
 23 COMMISSIONER BOSARGE: I'll make the motion to
 24 proceed with final adoption of Amendment of Title 22 Part
 25 4 Chapter 6 to add Section 115.

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1 COMMISSIONER GOLLOTT: Do we have a second?
 2 COMMISSIONER HARMON: I'll second that, Mr.
 3 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 Thank you.
 12 RICK BURRIS: Thank you.
 13 JOE JEWELL: Thank you, Rick.
 14 Next up for the Commission's consideration is a
 15 presentation by Mr. Scott Gordon, shellfish season update.
 16 COMMISSIONER BOSARGE: Joe, not to stretch out
 17 what we've already done, but we went through the
 18 presentation on Spotted Seatrout, and we didn't make a lot
 19 of headway.
 20 Is there a chance that we could have a meeting,
 21 put together a meeting where we, as a Commission, can look
 22 at this data a little closer and try to come up with maybe
 23 some more recommendations to give to Paul and put in the
 24 model?
 25 JOE JEWELL: We can absolutely consider that.

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1 COMMISSIONER BOSARGE: A workshop.
 2 JOE JEWELL: We can do that one of two ways
 3 because there is a summary page that we are working on and
 4 we will send it out to the Commission probably towards the
 5 end of the week.
 6 We can conduct a public meeting, at the request
 7 of the Commission, so the public can provide input. We
 8 can do that, or both.
 9 JAMIE MILLER: I would like to recommend that we
 10 do a workshop with the Commission first.
 11 At the time the Commission does adopt, or
 12 propose, some regulatory changes, it is likely we are
 13 going to be asked to allow public comment at that time.
 14 Let's have the workshop first, and, then, in
 15 that workshop, if we think we want to go out for a public
 16 meeting, we can do that, but we are certainly going to do
 17 it as part of any regulatory change.
 18 JOE JEWELL: Absolutely.
 19 COMMISSIONER GOLLOTT: Why don't we let Jamie
 20 set that up and contact the Commissioners?
 21 JOE JEWELL: Sure.
 22 COMMISSIONER GOLLOTT: Can we have a break,
 23 before Scott starts because he is long winded?
 24 About a fifteen minute break.
 25 (Whereupon, a short recess was taken.)

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1 COMMISSIONER GOLLOTT: I would like to call this
2 meeting back to order and ask Mr. George Storrs to come to
3 the podium. He submitted a request to talk.

4 GEORGE STORRS: Good morning. My name is George
5 Storrs, commercial oyster fisherman; sometimes finfish
6 fisherman.

7 I was wanting to say that I needed to look into
8 the camera and give an apology for the last time I had
9 stood up in the front of the camera and the people and
10 said that our oyster plan was crap. It's not crap. I
11 was just mad that day, and I know I hurt a few people, and
12 I need to apologize to my friend Scott Gordon and the rest
13 of the staff.

14 The thing about this plan we have is it is so
15 good. It is better than anything that is in the whole
16 United States, coast to coast and down the Gulf.

17 The problem with me is that I'm a tonger.
18 Tongers were there way before power dredge and all that.
19 We are the people that fixed it where they could go on
20 from there.

21 The problem is it's not friendly to what we do
22 because we work further inshore. We can work on that a
23 little bit and I know they are, but I do need to come and
24 do this apology because I was kind of out of line that
25 last time.

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1 There is one other thing I need to get out of
2 line on, but I think everybody will agree with me on this,
3 and I'll bet my life on it. This is about this last
4 little portion about fisheries.

5 I don't think I know because, when I was a kid,
6 I used to fish hard. I know that if you take the pogy
7 boats out of here -- this isn't the meeting for that, but
8 it's my chance to say it. You take those pogy boats out
9 of here for three years, you do your studying then, and
10 nothing can happen except yield will go up and mortality
11 will go down. It will be good for us, if you will just
12 take them out from boarder to boarder for three years and
13 study that, and we won't have a problem. Everything will
14 happen that is supposed to be good instead of bad.

15 when you go out there and you take away the
16 food, you take away the fish. You take away the big fish.
17 You take away the small fish.

18 what causes that?

19 It ain't our fishermen. It's a net. It's
20 called pogy boat net. You take them out of here, and
21 we'll live on and we'll live on and be stronger for it.

22 That's all I have to say about this. I'm sorry
23 if I made anybody mad about this, but the truth is the
24 truth.

25 I'm just a common guy and I know a little bit

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1 about what I'm talking about and a lot about what I've
2 done in my life.

3 COMMISSIONER GOLLOTT: Can I ask you a question?

4 GEORGE STORRS: Yes.

5 COMMISSIONER GOLLOTT: How long have you and
6 Eicke been hanging around together?

7 GEORGE STORRS: Eicke, he knows some stuff, but
8 he's just not going to come up here and fire off at the
9 camera like that, but I'm the other side of him. I agree
10 with everything he has to say. I do like conservation and
11 I know things need to be studied, but that is a major
12 thing.

13 COMMISSIONER BOSARGE: George, if you take away
14 any industry, it's the same thing. If you take all the
15 oyster fishermen out for a year, what is going to happen
16 to the oysters?

17 GEORGE STORRS: There are going to be plenty
18 more oysters at the end.

19 COMMISSIONER BOSARGE: If you take all the
20 recreational fishermen out, what is going to happen to the
21 speckled trout?

22 GEORGE STORRS: It's got to go up and be better.

23 COMMISSIONER BOSARGE: That's my point.
24 Everybody has an opinion, but, yes, if you completely take
25 one industry out, sure, it's got to change.

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1 GEORGE STORRS: The industry is not going to be
2 taken out. It's going to be taken out of our state for a
3 while, and study that.

4 COMMISSIONER GOLLOTT: You would be taking
5 fishermen out, too, George. Come on. Let's get real.

6 GEORGE STORRS: I want to keep it right there at
7 this spot. That's me.

8 COMMISSIONER GOLLOTT: Thank you, George.

9 JAMIE MILLER: Let me make a quick announcement.
10 If anybody does wish to make public comments, there is a
11 form at the back of the room that we ask you to fill out
12 and bring up to the front and we will recognize you, but,
13 if not, then, we don't know that you want to make a
14 comment. Thank you.

15 COMMISSIONER GOLLOTT: Your turn, Mr. Scott.

16 SCOTT GORDON: Thank you.

17 First, if I could address a little what George
18 said, I really appreciate that, George, and I know he gets
19 frustrated. I get frustrated, too. I have folks that say
20 I wouldn't want your job. I wouldn't want their job, but
21 I think we understand each other that, at times, we do get
22 frustrated.

23 Good morning Mr. Chairman, Commissioners,
24 Director Miller, Ms. Chestnut.

25 I'm going to be talking about the upcoming

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1 oyster season.

2 We have had some pretty significant field
3 collections this year and, I think, before I get into all
4 this, I would like to recognize some folks in here that
5 probably don't get the recognition that they deserve.

6 We have had the field collections, working up
7 samples, data entry, data analysis, and I would like to
8 thank the staff of the Shellfish Bureau, other offices and
9 other bureaus, and Dr. Kelly Lucas who helped with some of
10 the data analysis. If they could please stand up so we
11 can recognize them because they put a tremendous amount of
12 work into this. We have had a lot of folks from other
13 bureaus and offices as well.

14 This year we had two hundred and ninety-three
15 stations that we sampled, seventy-five one-minute dredge
16 tows, five hundred and eighty-six square meter dive
17 samples, six hundred and sixty-one total samples
18 collected. That is ninety-nine more samples that we
19 collected from last year and last year, that was the
20 highest that we had sampled.

21 This is Henderson Point and Pass Christian
22 Reefs. The little triangles on there are the one-minute
23 dredge tows and square meter dive locations, and, then,
24 the circles are the square meter dive locations
25 (indicating map).

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1 double what we had on the ground last year.

2 We had to kind of regroup and do some additional
3 mortality estimates because the initial figures that we
4 had were no longer accurate.

5 I wanted to show to the Commission what I
6 believe to be the sequence of events that led to this
7 oyster mortality this year. This is a natural mortality
8 event. This is not a fishing mortality event.

9 In the reef areas, we had high levels of Dermo.
10 That's Perkinsus marinus. That's a predator of the
11 oyster. That is removing energy stores from the oyster
12 and it weakens them.

13 Then, we also had high water temperature. That
14 increases the metabolism of the oyster, causing further
15 energy reduction and weakening the oyster further.

16 The high salinity causes oysters to use more
17 energy to osmo-regulate. That's regulating the fluids in
18 their cells. The higher the salinity the more energy they
19 are going to have to expend to keep their cellular fluid
20 levels the same.

21 The oysters at that time, they were also
22 preparing to spawn. Whenever they are preparing to spawn,
23 again, that is going to take energy to produce gametes.

24 Then, I think, as most of you will be able to
25 recall, the rainfall event we had over a three-day period,

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1 This map down at the bottom shows an overview of
2 all these locations. This is the St. Joe Reef area, the
3 Pass Marianne Reef and the Telegraph Reef area.

4 With the one-minute dredge tows and the square
5 meter dive sampling, we are collecting physical parameters
6 such as salinity, oxygen, air and water temperature, the
7 secchi depth -- that's the visibility in the water -- wind
8 speed and direction, depth, tidal stage, the seas and the
9 bottom type, and we are also looking at length frequency
10 of live oysters, mortality and cluster data, as well as
11 the predators and competitors of the oysters such as the
12 oyster drills, hooked mussels, stone crabs, et cetera.

13 This map is of the western reef area, and each
14 of these little circles represents where we conducted
15 either the dive, or the dredge data.

16 The little green dots, that's where we had catch
17 in there. The red dots represent no catch. As you can
18 see in there, we have more red dots than we do the green
19 dots.

20 Right around the end of August, I believe it was
21 around the 22nd, or 23rd, we had some sampling that was
22 being conducted, and they brought the samples back into
23 the lab and we had the dead oysters in the shell, and it
24 was really discouraging to me because, prior to that point
25 in time, our stock assessment was showing we were about

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1 I believe that was from about August 11th through August
2 13th. Over a three-day period, we had very heavy rain fall
3 and localized flooding. This extreme rain event, this was
4 the same rain event that caused all the severe flooding
5 over in Louisiana. That triggered a mass spawn event
6 because the salinities dropped rapidly and the
7 temperatures dropped rapidly. Whenever the oysters spawn,
8 again, that is further weakening the oysters, or weakening
9 the adult oysters.

10 And, then, we had the organic matter from the
11 flooding that increased the biological oxygen demand --
12 that's the BOD -- as the organic matter decayed.

13 Also, we had a lot of cloud cover at that time
14 and the higher temperatures that caused the phytoplankton
15 to die off.

16 As this organic matter in the water is decaying,
17 it results in the dissolved oxygen crashing. We saw that
18 over all the reefs, or over a lot of the reefs, and it
19 caused that dissolved oxygen level to fall to lethal
20 levels, and that resulted in dead oysters.

21 You can see it was not just one single event
22 that brought this about. It was the whole sequence of
23 events and sometimes that's difficult.

24 Gulf Coast Research Lab, a few days before we
25 went out sampling, they had gone out sampling and they

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1 were starting to see a mortality event, and we were able
2 to capture that while it was occurring.

3 Here are some of the dead oysters that we saw,
4 when they brought them back to the lab. We had a pretty
5 heavy spat set on there. All these small oysters were
6 dead. The dead market oysters, you can see them gaping
7 with the tissue inside the shell. The dead market oyster
8 knot, I really hate to see anything like that. Again,
9 another dead market oyster (indicating photographs).

10 we had also likely additional mortalities that
11 we were unable to capture because the live oysters that we
12 were measuring at the time, they were very stressed and
13 they would most likely have died.

14 On September 15th, we went out on the Salty Boy.
15 Joe Jenkins of Crystal Seas Seafood, that's his boat. He
16 agreed to take out a group of us, some folks from the
17 Shellfish Bureau, Director Miller, Chairman Gollott,
18 Commissioner Havard, Senator Mike Seymour and Harold
19 Strong.

20 We looked at several different locations. We
21 looked at the Pass tonging and dredging reefs, Pass
22 Marianne Reef, Telegraph Reef, and, in each of those
23 cases, what we were seeing was dead oysters.

24 The first time we found any live market oysters
25 was over on the St. Stanislaus Reef and the Henderson

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1 drastically and it stayed low. That right there is what
2 killed most of our oysters.

3 In contrast, this is the datasonde from St. Joe.
4 You can see similar things occurring here where the
5 temperature fell off and the salinity fell off, and, then,
6 both of those rose and the oxygen, as well, fell off, but
7 as you can see right here, it fluctuated pretty rapidly up
8 and down. This would have been lethal levels, if it had
9 stayed low like that. Because of the tides and currents,
10 it was able to fluctuate enough that kept those oysters
11 alive.

12 I know this is kind of a busy chart. Hopefully,
13 y'all have had some chance to look at that, but this is
14 our adjusted Mississippi oyster sack estimates.

15 If you look at this column right here, that is
16 our estimated sack totals for market size oysters that are
17 equal to, or greater than, the three-inch oyster and for
18 each of the areas.

19 Biloxi Bay, this is the first time we have
20 included that in there. We estimate there is over six
21 thousand sacks of market oysters in the Biloxi Bay area.
22 We don't have any mortalities that we are showing in there
23 because this data was collected after the mortality event.

24 If you look at the Area II D Between the
25 Bridges, we were estimating about four hundred and twelve

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1 Point Reef.

2 What was interesting on the Henderson Point Reef
3 is we pulled one location and we found live market oysters
4 on there. Went about a hundred yards to the north and
5 everything was dead.

6 I've got Chairman Gollott here looking over some
7 of the dead oysters that we have. You can see the empty
8 shells here, gaping oysters, and we did find two live
9 oysters out there (indicating photograph).

10 Mississippi Department of Environmental Quality,
11 they happened to have, at the time, some datasondes that
12 were out on some of our reef areas. These are the
13 locations where they had the datasondes (indicating aerial
14 view).

15 The next two slides I'm going to show, the first
16 one is going to be Henderson Point, and, then, the second
17 one is going to be St. Joe Reef area.

18 This is Henderson Point. You can see right here
19 where the temperatures and salinity, they started to fall
20 and that coincided pretty well with the rainfall event and
21 the flooding event that we had. Temperatures plummeted
22 pretty rapidly, stayed a little low, and, then, they came
23 back up. Salinity did the same thing, with a little lag
24 behind there. This is the dissolved oxygen levels here
25 and, as that began to decline, then, it fell off very

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1 sacks of oysters in there. That was also after the
2 mortality event. I have no doubt that that would have
3 been much higher, if we had sampled that prior to the
4 mortality event.

5 Henderson Point Reef, we had estimated, prior to
6 the event, nearly thirty-seven thousand sacks of oysters.
7 Now, we feel that there is just a little over thirty-four
8 hundred sacks of oysters.

9 Probably a good way to kind of personalize this,
10 we are figuring ninety point five seven percent mortality.
11 If you had a hundred dollars in your pocket and somebody
12 came up and said, I want ninety dollars and fifty-seven
13 cents worth of that, and how much you have left. That's
14 how serious this was.

15 You can look down and see our prior to estimate,
16 and, then, our adjusted sack estimate. Overall we were
17 looking at a forty-nine point ninety-seven percent
18 mortality for the market oysters.

19 These fishermen, they have already had to put up
20 with several years of not very good seasons, and it is
21 really disturbing to me that we have to deal with a
22 natural mortality event like this.

23 I would love to say we've got a hundred and
24 seventy-two thousand sacks of oysters out there and we are
25 going to do double what we did last year, but that is not

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1 the case.

2 I have broken this down into our adjusted sack
3 estimates for both the western reefs and Biloxi Bay, over
4 eighty-six thousand, and we will, again, be recommending a
5 twenty-five thousand eight hundred and five sack give, or
6 take, quota for that, broken down by the western reefs,
7 with nearly twenty-four thousand sacks, and Biloxi Bay,
8 one thousand eight hundred and fifty-three sacks, or two
9 thousand sacks.

10 Do any of you have any questions on this chart
11 here?

12 COMMISSIONER GOLLOTT: Yes, sir, I do.

13 The hundred and seventy-two thousand sacks that
14 you are estimating as harvestable oysters over three
15 inches.

16 Right?

17 SCOTT GORDON: Yes, sir.

18 COMMISSIONER GOLLOTT: What do we have under
19 three inches?

20 COMMISSIONER GOLLOTT: I pulled most of those
21 out for brevity, but we did have -- well, prior to the
22 event, we were seeing similar mortalities with them.

23 COMMISSIONER GOLLOTT: What?

24 SCOTT GORDON: We were seeing similar
25 mortalities with the other size oysters over all the reef

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1 areas.

2 COMMISSIONER GOLLOTT: You should have a hundred
3 and seventy-one thousand undersize?

4 COMMISSIONER BOSARGE: I think, if I understand
5 you correctly, the hundred and seventy-one thousand was
6 prior to the mortality event?

7 SCOTT GORDON: Yes, sir, that's correct.

8 COMMISSIONER BOSARGE: And, now, what you are
9 saying is eighty-six thousand?

10 SCOTT GORDON: Close to, but these are market
11 oysters that we are calculating the number of sacks of
12 market oysters. We would be looking at -- I believe we
13 were saying two hundred and seventy-five market oysters
14 per sack is an average. In coming up with the sack
15 estimates, we would be looking at number of oysters per
16 square meter and extrapolating that out to the number of
17 oysters per acre, and, then, the number of sacks per acre
18 from that, that are market size.

19 If you so desire, I could get you that
20 information for those undersized oysters, but they also
21 received pretty significant mortality.

22 Also, as I said, we may have underestimated the
23 amount of mortality on this because early on we when were
24 gathering that information the live oysters that we were
25 measuring were also very stressed and we probably had some

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1 high mortalities from them as well.

2 COMMISSIONER GOLLOTT: You could have
3 information for us at the next meeting?

4 SCOTT GORDON: Yes, sir.

5 COMMISSIONER GOLLOTT: What I would like to do
6 is make a motion that we open all the dredging reefs and
7 tonging reefs, with some stipulations, on October the 3rd
8 which is a Monday. Next meeting we could set your limit.

9 SCOTT GORDON: Mr. Chairman?

10 COMMISSIONER GOLLOTT: Yes.

11 SCOTT GORDON: I have not completed my
12 presentation yet.

13 COMMISSIONER GOLLOTT: Have you got some
14 surprises for us?

15 SCOTT GORDON: I don't know that there are any
16 surprises.

17 COMMISSIONER GOLLOTT: Go ahead, Scott. I'm
18 sorry.

19 SCOTT GORDON: September 7th, we had an oyster
20 stewardship meeting. This was basically a blind
21 questionnaire to the oyster fishermen that showed up at
22 the meeting, as to what their season preference was, and
23 we gave them choices of September, October and November
24 for opening time. They overwhelmingly chose October, and,
25 then, March, April and May for closing time, and they

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1 chose overwhelmingly closing in April (indicating graph).

2 The tongers preference for sack limits, with
3 twenty-two responding, they were looking between ten and
4 fifteen sacks tonging limit.

5 The dredgers, they would have preferred a thirty
6 sack limit.

7 Now, for me and, I think, for a lot of folks in
8 here this is one of the most important things. Even
9 though we don't have a lot of resource in this area, this
10 is the Biloxi Bay conditionally approved area. We will be
11 able to open this up for the first time that, I think,
12 anyone can remember.

13 Chairman Gollott said it was sometime maybe in
14 the fifties, or early sixties, that this area shut down
15 for direct commercial harvest.

16 I can't find anyone that had been out there,
17 when this area was open for direct harvest.

18 We will be able to open it up this year. We
19 will still be looking at a relatively low quota that I
20 would be recommending in there, somewhere in the
21 neighborhood of two thousand sacks.

22 COMMISSIONER GOLLOTT: Scott, a quick question.

23 The seventeen acres there, we bedded that what,
24 about three years ago?

25 SCOTT GORDON: Yes, I believe it's been three,

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1 or four, years ago.
 2 COMMISSIONER GOLLOTT: what does it look like?
 3 Have you checked it?
 4 SCOTT GORDON: It looks fairly decent.
 5 COMMISSIONER GOLLOTT: Have you made any
 6 estimates of how many sacks are in that seventeen acres?
 7 SCOTT GORDON: Well, we combined the two.
 8 Again, that was the slide that I took out. I didn't think
 9 the Commission would have been as interested, but I can
 10 certainly provide that for you.
 11 COMMISSIONER GOLLOTT: I would like to know how
 12 many shells we planted there and what can we expect to get
 13 out of it.
 14 SCOTT GORDON: Yes, sir.
 15 COMMISSIONER BOSARGE: Just so I understand
 16 correctly, you are wanting to separate the two areas.
 17 In other words, basically, a quota for this area
 18 versus a quota for everything to the west?
 19 SCOTT GORDON: Yes, sir.
 20 COMMISSIONER BOSARGE: Thank you.
 21 SCOTT GORDON: These are the western areas. One
 22 of my other recommendations would be, this approved area,
 23 that we not open that for harvest. Telegraph Reef has
 24 virtually nothing on it and, also, the southern part of
 25 Pass Marianne was hit pretty hard. I would recommend

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1 check station will be.
 2 Additionally, in any opening order, I would like
 3 to request that the Commission give the Executive Director
 4 the authority to close areas to conserve the resource, or
 5 close the season when a quota has been met, set daily
 6 commercial sack limits, open and close check stations,
 7 adjust checkout times and time to refrigeration, and,
 8 also, that harvesters provide correct change at the check
 9 stations whenever the are getting their tags.
 10 I believe that concludes my presentation.
 11 COMMISSIONER GOLLOTT: Mr. Scott, can I say
 12 something, now?
 13 SCOTT GORDON: Yes, sir.
 14 COMMISSIONER GOLLOTT: Like I said, I would like
 15 to make a motion that we open all areas at least until the
 16 next Commission meeting, and, then, we can look at it
 17 again.
 18 A lot of times these fishermen can find oysters
 19 that y'all can't find. We have proven that the last two,
 20 or three, years.
 21 If we have a rain, a two-inch rain, then, if you
 22 start closing the inside areas where they have to be
 23 closed, it would automatically close the outside reefs.
 24 Close area within five hundred feet of
 25 artificial reef sites in Biloxi Bay for conditionally

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1 keeping that closed. Between the bridges, I doubt very
 2 many people would go up in there, and we would have a low
 3 amount of harvest that could be allowed in there
 4 (indicating map).
 5 We would recommend that some other special
 6 rules, new or special season, area rules, regulations, et
 7 cetera, over our standard opening order for the oyster
 8 season would be to keep the approved area closed due to
 9 lack of resource, close area within five hundred feet of
 10 artificial reef sites in Biloxi Bay for conditionally
 11 approved Area V inside Biloxi Bay.
 12 This last one on here is that the harvesters
 13 launching their vessels at a launch site remote from a
 14 designated oyster check station, may, upon returning from
 15 harvesting and prior to unloading any oysters, trailer
 16 their vessel on land and along the most direct route to
 17 their designated oyster check station for checkout. Once
 18 the vessel has been checked out and the sacks of oysters
 19 are properly tagged, the sacks of oysters may then be
 20 unloaded from the vessel.
 21 In the past, this is something that has kind of
 22 been allowed, but this year this might occur more often,
 23 especially if we have some boats that are wanting to work
 24 the St. Stanislaus area, or in Biloxi Bay, where they
 25 could maybe launch at a different site away from where the

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1 approved Area V. I think that's important.
 2 Harvesters launching their vessels, that is
 3 important.
 4 What else were you asking for?
 5 SCOTT GORDON: Quota.
 6 COMMISSIONER GOLLOTT: The quota will be set at
 7 the next meeting. We want to see how it works out.
 8 COMMISSIONER HAVARD: Let me understand this
 9 correctly.
 10 We are going to let the quota be open, until the
 11 next meeting?
 12 COMMISSIONER GOLLOTT: Yes.
 13 No matter what the quota is, you're not going to
 14 meet it in a month.
 15 COMMISSIONER BOSARGE: My concern would be that
 16 the Biloxi area may meet that.
 17 COMMISSIONER GOLLOTT: Well, we're not going to
 18 open Biloxi. That's a tonging area. We're not going to
 19 open Biloxi until November. We are going to keep it
 20 closed.
 21 COMMISSIONER HAVARD: Scott, is there any chance
 22 that we might meet quota, prior to our next meeting?
 23 SCOTT GORDON: I've got another little slide up
 24 here that is for discussion purposes.
 25 The answer will be yes.

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1 This is basically the same chart that you saw,
2 with the thirty percent recommended harvest level. I also
3 looked at it at thirty-five, forty and forty-five percent
4 harvest levels, and calculated down here at the bottom are
5 days at two thousand sacks per day -- that's what we were
6 doing at the end of the season last year -- would be
7 twenty-five dredge, fifteen sack tonging limit.

8 At thirty percent, we're looking at about
9 thirteen days. At thirty-five percent, fifteen days.
10 Seventeen days for forty percent. Just under twenty days
11 at forty-five percent.

12 We are not looking at a long season at all, and,
13 yes, I think very likely that you would have exceeded the
14 quotas.

15 COMMISSIONER GOLLOTT: I'll go right back to two
16 years ago. I have always advocated that culling oysters
17 to three inches is your conservation, if you leave
18 everything under three inches.

19 You are saying that we have eighty-six thousand
20 sacks that are over three inches.

21 How could you reach that, or even a portion of
22 that, in one month? You can't.

23 SCOTT GORDON: You most certainly could.

24 COMMISSIONER GOLLOTT: What was the sack limit
25 last year?

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1 point out that our early estimates, we were double what
2 our estimates were from last year, prior to the natural
3 mortality event, and they would have had twice as much, if
4 it was not for that, and that is out of our control.

5 COMMISSIONER GOLLOTT: I understand, but we
6 don't have to gamble with these fishermen's living. We
7 can let them go ahead and catch the oysters. Money in the
8 bank is a hell of a lot better than the oyster shells out
9 there dead is my only point. We're talking about these
10 people's living, now. We're not gambling with our money.
11 We're gambling with their livelihoods.

12 That's my recommendation, that we open it and we
13 will take another look at it --

14 JOE JEWELL: (Interposing) Mr. Chairman, for
15 clarification of your motion, did you say a November 1st
16 opening date for tonging only in Biloxi Bay?

17 Is that correct?

18 COMMISSIONER GOLLOTT: Well, that's one thing I
19 want to put off until the next meeting, and, then, we can
20 look at it because what is it, October 20th we will be
21 looking at it, and, then, we can look at what is best for
22 the fishermen. Somewhere in the first of November looks
23 like it would be best, as far as these fishermen for
24 Thanksgiving and the Holidays.

25 We need to look at maybe really adding some more

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1 SCOTT GORDON: Well, we ended up with twenty-
2 five and fifteen.

3 COMMISSIONER GOLLOTT: Well, that's what I'm
4 recommending we go with again this year, twenty-five and
5 fifteen.

6 SCOTT GORDON: These are the number of days that
7 that would last at those different levels (indicating
8 slide).

9 I will be recommending the thirty percent
10 harvest level, in order to build up. We saw, after the
11 quota was set last year --

12 COMMISSIONER BOSARGE: (Interposing) what was
13 the quota last year, Scott?

14 SCOTT GORDON: It was, I think, thirty-five
15 thousand sacks, and, then, it was raised to forty
16 thousand. We wound up with forty thousand three hundred
17 and fifty-seven sacks harvested last year.

18 COMMISSIONER BOSARGE: When did it close?

19 SCOTT GORDON: We went into May.

20 COMMISSIONER GOLLOTT: You know, hind sight is
21 twenty-twenty. We should have let these fishermen catch a
22 lot more oysters on the tonging reefs and on the dredging
23 reefs. Millions of dollars worth of oysters died last
24 year because we didn't let them harvest them.

25 SCOTT GORDON: Mr. Chairman, I would like to

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1 oysters into those areas so they can harvest more oysters
2 for the Holidays.

3 That's pretty bleak, if you think you can fill
4 this quota in a month. We didn't do it last year.

5 That's what my recommendation is, open it on
6 October the 3rd, with the same sack limits we had last
7 year. Let's put the limit on it next month. We can look
8 at it better. We will open St. Joe, Telegraph and all
9 these places and, if there are any oysters down there, we
10 will find out, and the next meeting we can close it, if
11 it's not.

12 JOE JEWELL: And Biloxi Bay will stay closed
13 until next Commission meeting?

14 COMMISSIONER GOLLOTT: November, yes, sir.

15 COMMISSIONER BOSARGE: Would it be possible,
16 instead of just leaving it wide open, to go ahead and put
17 the thirty percent quota on it, now, and, then, revisit
18 that number next month, if for whatever reason, we should
19 have nineteen, or seventeen, however many days it is,
20 perfect weather and perfect conditions?

21 COMMISSIONER GOLLOTT: Well, Commissioner, I
22 don't like thirty percent to begin with. Thirty percent
23 of even eighty-six thousand, if you've got eighty-six
24 thousand, you are going to leave seventy percent of the
25 oysters out of the harvest and these people are not going

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1 to work. That's ridiculous.
 2 COMMISSIONER BOSARGE: Well, I think we can look
 3 at that, at the next meeting, and have a better
 4 understanding of what is out there.
 5 COMMISSIONER GOLLOTT: Yes, and that's my point.
 6 Let's wait until the next meeting, but let's open it on
 7 October the 3rd and let's see how these fishermen are
 8 doing. You will know every day exactly what these
 9 fishermen are doing.
 10 COMMISSIONER HAVARD: If we are going to open
 11 it, are we going to open it with that quota in mind of
 12 thirty percent?
 13 COMMISSIONER GOLLOTT: I'm against thirty
 14 percent period, and I'll be against it next month. I want
 15 these fishermen to be able to make a living, and leaving
 16 sixty thousand sacks of oysters out there and not
 17 harvesting them -- they are marketable oysters. If
 18 something is ripe and ready to harvest, let them make a
 19 living. They have families to feed.
 20 COMMISSIONER HAVARD: I understand.
 21 COMMISSIONER GOLLOTT: That's my motion.
 22 Can I get a second?
 23 COMMISSIONER HARMON: I'll second that, Mr.
 24 Chairman.
 25 COMMISSIONER GOLLOTT: We have a motion and a

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1 second.
 2 All those in favor say aye.
 3 (Mr. Gollott, Mr. Harmon in favor.)
 4 COMMISSIONER GOLLOTT: Opposed?
 5 (Mr. Bosarge, Mr. Havard opposed.)
 6 COMMISSIONER GOLLOTT: Two opposed. Two for.
 7 where do we stand, Sandy?
 8 SANDY CHESTNUT: It fails.
 9 COMMISSIONER BOSARGE: I wouldn't have a problem
 10 with it, if we attach the thirty percent just as a
 11 safeguard.
 12 COMMISSIONER HARMON: I'm going to have to go
 13 with Chairman Gollott. Thirty percent is just not
 14 acceptable.
 15 COMMISSIONER GOLLOTT: What about fifty percent?
 16 COMMISSIONER HARMON: I'm good with fifty
 17 percent.
 18 COMMISSIONER GOLLOTT: I am, too, until the next
 19 meeting.
 20 What did you harvest in October last year,
 21 Scott, in thirty days?
 22 COMMISSIONER BOSARGE: That's my point. If they
 23 catch fifty percent of the oysters in seventeen days, it's
 24 not a discussion here any longer.
 25 Do you see my point?

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1 Anyhow, I feel like just as a safeguard, I don't
 2 think we should open it up without any kind of consensus
 3 on where we may stop it. If they catch fifty percent in
 4 October, there is probably not a chance that they are
 5 going to get a Thanksgiving.
 6 COMMISSIONER GOLLOTT: That's right.
 7 COMMISSIONER BOSARGE: I just think we need to
 8 put some quota on it somewhere.
 9 COMMISSIONER GOLLOTT: Okay. Let's go thirty-
 10 five percent.
 11 The motion is modified to thirty-five percent,
 12 Scott.
 13 Is that all right with you?
 14 COMMISSIONER HAVARD: Yes, sir.
 15 SCOTT GORDON: At thirty-five percent, we would
 16 be looking at thirty thousand sacks total. That would be
 17 twenty-seven thousand nine hundred and forty-four thereabouts for the
 18 western reefs, and, again, we would be looking at a little
 19 over fifteen days.
 20 COMMISSIONER HAVARD: I'm okay with that, as
 21 long as when we reach that thirty-five percent, if we have
 22 to hold a special session to up it, that's fine.
 23 COMMISSIONER GOLLOTT: We have a motion and a
 24 second, and this will be revisited at the next meeting.
 25 We will have it on the agenda.

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1 SANDY CHESTNUT: I have a question, before you
 2 vote.
 3 COMMISSIONER GOLLOTT: Go ahead, Sandy.
 4 SANDY CHESTNUT: Is there a daily sack limit
 5 with that?
 6 COMMISSIONER GOLLOTT: The same as last year.
 7 SANDY CHESTNUT: Okay.
 8 COMMISSIONER GOLLOTT: What was that, Scott,
 9 fifteen and twenty-five?
 10 SCOTT GORDON: Yes, that's what we ended up with
 11 last year at the end of the season.
 12 COMMISSIONER GOLLOTT: Can I ask the fishermen
 13 do they have any input on the sack limit?
 14 Is that okay with y'all?
 15 SCOTT GORDON: I had the questionnaire up there.
 16 The dredgers preferred thirty. The tongers preferred
 17 between ten and fifteen.
 18 COMMISSIONER GOLLOTT: I think I would feel
 19 better with just the same thing we had, fifteen and
 20 twenty-five, last year.
 21 That's the motion.
 22 COMMISSIONER HAVARD: Second.
 23 COMMISSIONER GOLLOTT: We have a motion and a
 24 second.
 25 All those in favor say aye.

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1 (All in favor.)
 2 COMMISSIONER GOLLOTT: Opposed?
 3 (None opposed.)
 4 COMMISSIONER GOLLOTT: Motion carries.
 5 Scott, thank you.
 6 SCOTT GORDON: Thank you.
 7 COMMISSIONER GOLLOTT: One more thing on this
 8 issue while we're here. I would like to make a motion to
 9 put a moratorium on tonging and dredging licenses. If you
 10 didn't have a license for last year, you can't buy one for
 11 this season, and, if you sell your boat, or if your boat
 12 sinks, or you build a new boat, and you bought a license
 13 last year, you can transfer it to the new boat.
 14 Do I have a second on a moratorium?
 15 COMMISSIONER HARMON: I'll second that, Mr.
 16 Chairman.
 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 Okay, Mr. Joe.
 25 JOE JEWELL: Thank you, Commissioners.

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1 Next up on the agenda for your consideration is
 2 final adoption of Title 22 Part 13, updated regulatory
 3 language for aquaculture regulations.
 4 As the Commission may recall, I presented to the
 5 Commission the proposed regulatory changes to Title 22
 6 Part 13 at a special session on June the 10th. I, again,
 7 presented the proposed regulations at a regular Commission
 8 meeting on June the 21st. Again, I presented the proposed
 9 regulations at a regular Commission meeting on August the
 10 16th.
 11 At the August 16th Commission meeting, the
 12 Commission requested that I come before the Commission at
 13 the September meeting with answers to the questions the
 14 public submitted both at the public hearings and in
 15 writing, or via email.
 16 With that being said, I'm not going to read into
 17 the public record the regular standard presentation that I
 18 have presented and placed in the public record three times
 19 in the past. At the direction of the Commission, I'm
 20 going to do a modified presentation that will include the
 21 public comment process and the questions and answers that
 22 the Commission requested at the August meeting.
 23 COMMISSIONER GOLLOTT: If you would like to have
 24 a shortcut, Joe, you don't have to read all that stuff.
 25 Do we have any objection to it?

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1 (No response.)
 2 COMMISSIONER GOLLOTT: Go ahead, short version.
 3 JOE JEWELL: I'm just going to read the
 4 questions and answers. There are quite a few questions,
 5 but I'm not going to read into the --
 6 COMMISSIONER GOLLOTT: (Interposing) Don't read
 7 that whole thing.
 8 JOE JEWELL: The Commission passed the Notice of
 9 Intent on June 21st, it was filed with the Secretary of
 10 State on July the 20th, along with the Economic Impact
 11 Statement, public comments on Notice of Intent began on
 12 the 21st. The public period was June the 21st through
 13 September the 19th for a total of ninety-two days.
 14 To date, four people submitted public comments;
 15 Mr. Ed Cake, Ms. Nonnie DeBardeleben, Ms. Julia O'Neal,
 16 Ms. Thao Vu and Ms. Terese Collins.
 17 Public hearing was conducted on August the 10th.
 18 Eighteen people attended. Three presented public comments
 19 at that meeting.
 20 Now, I'll read the results of all those public
 21 comments into the public record and, as directed by the
 22 Commission, the answers to those questions.
 23 Comment: The amendments are not necessary.
 24 Answer: The regulations as currently written
 25 did not take into consideration modern aquaculture

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1 techniques and business needs. As such, they do not
 2 permit most common practices. If Mississippi is to
 3 participate in aquaculture, then the amendments are
 4 necessary.
 5 Question: Expressed concern that there is no
 6 clear science to support the rule changes.
 7 Answer: These amendments are a regulatory
 8 framework modification that will improve the aquaculture
 9 opportunities along the Coast. Some burdensome
 10 regulations were actually removed, or modified, for the
 11 very reason that there was no scientific justification.
 12 Question: Expressed concerns about feed
 13 (genetic modified feed) being allowed to be released into
 14 the environment are removed.
 15 Answer: This rule was rewritten for clarity,
 16 but not changed. The rule is the same as the current
 17 version of the regulations.
 18 Question: Expressed concern about the removal
 19 of survey and monitoring requirements in Chapter 7.
 20 Answer: These sections have been deleted
 21 because value when balanced with outcomes were viewed as
 22 unnecessary. Mississippi Code Annotated 25-43-3.114 and
 23 25-43-4.104(d) requires agencies to review regulations in
 24 such a way as to remove unnecessary burdens. Some of
 25 these reporting and monitoring requirements included; pre-

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operational survey, a bathymetric survey, a sediment survey, a Marine Aquaculture and Environmental Monitoring Program, a Hydrographic survey, a Sediment Chemistry survey, and a Water Quality survey. The burden of all the reporting and monitoring requirements would make it almost impossible for an aquaculture operation to start up, and some, though not all, of these requirements are covered by other agencies like the Corps of Engineers, Department of Environmental Quality, and the U.S. Coast Guard. Surveys and monitoring may still be required on a case-by-case basis.

Question: Expressed concern about the removal of references to the Coastal Program.

Answer: The current regulations do not reference the Coastal Program. Some language mirrors requirements of the Coastal Program which is why they were removed. The Coastal Program has jurisdiction and procedures to properly consider those matters, example, shoreline setbacks and aesthetic considerations. The one reference to the wetlands permit in the new Chapter 9, on-bottom oyster leases, was moved, but not removed.

Question: Expressed concern about the deletion of Chapter 4, Section 100.05 regarding U.S. Coast Guard regulation lighting.

Answer: This rule was not deleted. It was

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moved and merged with the new Section 100.02 of Chapter 4.

Question: Lighting should be measured in lumens instead of watts to protect against light pollution. Lighting could hurt nesting grounds.

Answer: The measure of lighting was outside the scope of these amendments. The MDMR will consider this in the future. With regard to nesting grounds, other agencies may impose conditions to their permits, if it is deemed necessary to protect nesting grounds.

Question: Suggested greater public participation in the creation of rules. For example; public meetings where the public can ask questions and be answered and compiling a one-page summary would be beneficial to the public.

Answer: These suggestions will be taken into consideration in future amendments.

Question: Expressed concern with a program that converts state-owned property to private commercial use.

Answer: With the exception of Chapter 9, on-bottom leases, these rules do not affect the conversion of any property rights. They merely manage the aquaculture operations after property rights are secured. Net-pen and off-bottom operations require a Tidelands lease from the Secretary of State who will balance the competing interests. On-bottom oyster leases will continue to be

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analyzed under existing criteria.

Question: The regulatory language is too hard for the public to understand; needs to be understandable and in simple terms.

Answer: The rules were reorganized and some rewritten with an eye towards clarity and better understanding. The MDMR is committed to use plain language in its regulations.

Question: Expressed concern about the navigational hazards off-bottom aquaculture operations may pose.

Answer: Navigation will be part of the consideration for the Secretary of State Tidelands lease, the wetlands permit and the U.S. Army Corps of Engineers permit. Appropriate lighting is still required.

Question: Who, or what agency, is responsible for conducting a biological survey of potential on-bottom molluscan shellfish leases, or public leasing areas, to determine the presence, or absence, of naturally occurring oyster reefs, or seagrass beds?

Answer: DMR Marine Fisheries conducts regular oyster reef surveys throughout the Mississippi Sound. This includes potential lease areas. The DMR Coastal Program team surveys seagrass beds.

Question: In Chapter 9, Section 106, the term

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"close proximity" is introduced, but not defined. If five hundred feet is used in Chapter 9, Section 100.04 to define the minimum separation between adjacent private oyster leases, is five hundred feet acceptable as a minimum "close proximity" distance in this case?

Answer: Close proximity in Section 106 is not determined by the lease distance described in Section 100.04. Close proximity is to be determined on a case-by-case basis based on the navigation channel in question and the requirements of the port authority. Section 106 has not changed from the previous version.

Question: Chapter 4. Since DMR actually issues the permit, regulates the activity and assesses the environmental impacts, the applicant should be required to submit the Environmental Assessment required by the Corps of Engineers to DMR. This would establish a baseline for monitoring the site. This is to be done, rather than delete the Environmental Assessment requirement.

The Environmental Assessment requirement in the old rule has disappeared. It certainly makes it easier for anyone who wants a lease to get one. There will be no record of the conditions that prevailed in the leased area when the lease began. Remember that the baseline has been a big problem for NRDA in the BP damage assessment. If lease activity has damaged the original environment, there

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1 will be little to prove it. 100.01 under Chapter 4 of the
2 old rule was an excellent requirement, well described.
3 See deletion page 17-18 of the attached document.

4 Answer: Chapter 4, section 100.01 was removed.
5 DMR Fisheries will no longer require an environmental
6 assessment for aquaculture. However, the environmental
7 assessment is already part of the wetlands permit and the
8 U.S. Army Corps of Engineers permit process. The
9 applicant will no longer need to do the same assessment
10 twice for the same project.

11 Question: Why was Chapter 4, Section 100.04
12 deleted from these regulations, especially since those
13 buffer zones are still appropriate?

14 Answer: Certain buffers were removed from Part
15 13 because they are best established by agencies other
16 than DMR Fisheries. That does not mean there will be no
17 buffers. It just means they will be established on a
18 case-by-case basis through other permit review processes.
19 Buffers that were removed, but are still considered by
20 other reviews include:

21 Habitats of special significance, DMR Coastal
22 Management.

23 Seagrass beds, DMR Coastal Management.

24 Pipelines and submerged cables, U.S. Coast Guard
25 via the U.S. Army Corps of Engineers permit process.

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1 Navigation channels, U.S. Coast Guard via the
2 U.S. Army Corps of Engineers permit process.

3 On shore discharge rules, Mississippi Department
4 of Environmental Quality discharge permit.

5 Question: Removed Chapter 6, Section 102.01 on-
6 bottom culture of molluscan shellfish in near shore waters
7 includes any aquaculture operation that involves the use
8 of cultch material, racks, cages, or any structures to
9 support shellfish which are located within seven hundred
10 and fifty yards of the shoreline. Cultch material must be
11 approved by the MDMR, and approval will be based on the
12 environmental safety and suitability of the material.

13 Answer: This section was split up and moved to
14 other areas. The first sentence is a definition moved to
15 Chapter 3, 104. The definition now includes all on-bottom
16 operations, not just those within seven hundred and fifty
17 yards. Cultch materials expanded upon in Chapter 6,
18 Section 102.02.

19 Question: The section of Chapter 4 language
20 relating to impacts to natural scenic qualities should not
21 be removed. So much of the value of waterfront property
22 is tied to the scenic and visual aspects of the property.
23 Either leave the language in the regulation, or directly
24 reference the Coastal Use Plan section and page so that
25 the permit applicant is made aware of the regulation.

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1 Answer: Natural scenic qualities are a criteria
2 of review for the wetlands permit. Requiring it here
3 would create two parallel reviews of scenic qualities by
4 two different DMR offices. DMR Fisheries does not have
5 jurisdiction to consider scenic qualities. DMR Coastal
6 Management does.

7 Question: Chapter 4 section with regulations
8 for recovery of lost gear does not reference any kind of
9 penalty, or enforcement, if the gear is abandoned. Just
10 saying the gear must be recovered, without an adequate
11 penalty deterrent, does not really ensure compliance.
12 Expressed concerns about the twenty-four hour notice.
13 Should be immediate notice so that the gear does not
14 become a navigational hazard, or harm people's property.

15 Answer: The current rules do not include these
16 gear regulations, so these are new. Penalties for
17 violations of these regulations are outlined in Chapter
18 10, formerly Chapter 9.

19 The twenty-four hour period was put in place to
20 give the operators sufficient time to complete the various
21 tasks; tagging, GPS and reporting. It was recognized that
22 particularly during a storm event operators may need time
23 to comply.

24 Question: According to the MDMR, one of the
25 most pressing problems facing the oyster industry is the

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1 inability to keep the public reef areas open for a
2 continual prolonged period of time and harvest, due to
3 frequent closures as a result of rainfall and
4 deterioration of the water quality. These same factors ad
5 issues will prevent and/or impair the culture and regular
6 harvest of oysters from the proposed aquaculture
7 projects/sites, just as they do with the public oyster
8 reef areas.

9 Answer: The oyster aquaculture operations must
10 still comply with all rules in Title 22 Part 1, including
11 closures.

12 Question: Details of on-bottom shellfish
13 aquaculture leasing, especially delineating and marking
14 territory, are extensive. But, in a newly inserted
15 section, the on-bottom leases can be "... located in
16 waters classified as approved, conditionally approved, or
17 restricted", other than tonging and riparian exclusions
18 listed in Chapter 9, Section 100.05.

19 Isn't this a broad area?

20 Is this intended to preclude public objection to
21 any site?

22 Answer: Under the new rule, restricted areas
23 are potential lease areas. However, leaseholders still
24 must follow relay and depuration rules in Part 1, before
25 they can sell to the public. This should significantly

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1 open up the areas that a lease can be held and spur
2 depuration business. This rule has no effect on public
3 input, or opposition, to any site.

4 Question: Concerned about lack of adequate
5 public notice regarding public meeting held on August 10,
6 2016. Meeting was held during the summer shrimp season,
7 presenting scheduling conflicts for fisher folks. Posting
8 a meeting notice on a website a few days prior to a public
9 meeting and/or sending electronic notifications with only
10 one day notice is greatly insufficient.

11 Similar concerns were raised by Don Abrams and
12 Terese Collins. Terese Collins asked for a decision to be
13 postponed until the September meeting.

14 Answer: The Commission first considered the
15 rules at a public special meeting held on June 10, 2016.

16 The Commission again considered the rules at
17 their regular meeting on June 21, 2016, during which
18 public comments were heard on the matter. The Commission
19 voted to move forward with a Notice of Intent.

20 The rules and the notice of the public meeting
21 were posted on the Secretary of State site on July 20,
22 2016.

23 Notice of the public meeting was published in
24 the Sun Herald on July 29, August 5 and August 8 of 2016.

25 Notice of the rules was posted on the MDMR

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1 website on August 3, 2016.

2 Public hearing on proposed changes to Title 22
3 Part 13 was held on Wednesday, August 10, 2016.

4 The Commission again considered the rules at the
5 public meeting on August 16, 2016, and tabled their
6 adoption until September 20th to allow more time for public
7 comments.

8 Question: Mississippi Coalition for Vietnamese
9 American Fisher Folks and Families recommendations:

10 MDMR should mail bilingual meeting notices to
11 fisher folks well in advance and post flyers at local
12 docks and harbors.

13 MDMR should host community meetings for fisher
14 folks, general public, academia and other State agencies.
15 The meeting topics should include; oyster aquaculture's
16 history, purpose, goals, objectives, methods, proposed
17 sites, through environmental analysis, potential tradeoffs
18 and financial investment costs through economic analysis,
19 required training and Q and A session.

20 Establish a permanent advisory committee with
21 the Mississippi Coalition for Vietnamese American Fisher
22 Folks and Families.

23 Bilingual survey for all fisher folks on
24 multiple aspects of upcoming oyster season.

25 Encourage Mississippi Department of Marine

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1 Resources and Mississippi Commission on Marine Resources
2 to implement oyster relays and establish oyster recycling
3 program.

4 Answer: These comments are outside the scope of
5 the regulation amendments proposed in Title 22 Part 13.
6 However, the Mississippi Department of Marine Resources
7 will consider them moving forward.

8 Question: I read that there was a restriction
9 to leasing for on-bottom and off-bottom oyster farms north
10 of the railroad bridge in Bay of St. Louis, but does this
11 restriction extend to all waters north of the CSX railroad
12 in coastal Mississippi, in all counties and bays, rivers
13 and bayous?

14 Answer: The rule as written would only apply to
15 Saint Louis Bay. Other rules are included in Mississippi
16 Code Annotated 49-15-315.

17 Question: Tonging reefs are not a problem, but
18 there aren't many of those reefs open, or active, in most
19 of these areas. Maybe one in the Bay of St. Louis.

20 How do your rules and regs address this?

21 Answer: The amendments proposed in Title 22
22 Part 13 do not address tonging reefs which are discussed
23 in Title 22 Part 1.

24 Question: Is there going to be a CMR, or DMR,
25 workshop on this issue, prior to the September CMR

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1 meeting?

2 Please notify me in advance of any meeting. A
3 note on the door is not adequate notice, in my opinion.

4 Answer: No. A DMR workshop on this issue was
5 not scheduled.

6 Question: Do you have a written transcript of
7 the public hearing comments, and do you have responses to
8 the comments made at the hearing?

9 I believe your attorney at the hearing said it
10 was recorded, so he must have a transcript.

11 Answer: The hearing was recorded and this
12 recording is available. There is not a written transcript
13 available.

14 Question: Does DMR have the oyster farm, or
15 water bottom, lease agreements available for review?

16 Answer: While this is not part of the
17 reorganization of Title 22 Part 13, there are no current
18 oyster farm lease agreements available for review.
19 Current on-bottom leases can be acquired by a public
20 records request.

21 Question: What about proposed lease areas for
22 oyster farms?

23 Where are they located and are any out for
24 public review, or comment, now?

25 Answer: While this is not part of the

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1 reorganization of Title 22 Part 13, there are currently no
2 proposed leases, or permit areas, for oyster farms out on
3 public review.

4 Question: who gets to bid on leases, and how
5 will this be advertised?

6 Answer: On-bottom leases are described in the
7 new Chapter 9. Off-bottom leases will be subject to
8 regulations developed by the Secretary of State's office.

9 Question: Why not hold a public meeting and let
10 the public know what areas are being considered, and
11 provide all the necessary details?

12 Answer: Each project will need a complete
13 permit process, including wetlands, Federal and Department
14 of Agriculture aquaculture permits, so there will be
15 plenty of opportunity for review by the public.

16 Question: You say the changes in the rules and
17 regulations have nothing to do with the oyster farming
18 issue, but they are indeed tied together and oyster
19 aquaculture/farms and related effects like leasing and
20 regulations should be managed as one coordinated effort.

21 Answer: The proposed rules and regulations will
22 provide a framework for the permitting and operations of
23 all aquaculture activities.

24 Question: Why is this oyster farming issue
25 being fragmented and not consolidated into one program so

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1 we can understand what DMR and any related agency, or
2 organizations, are trying to do?

3 Answer: The proposed amendments only deal with
4 the regulatory framework for all aquaculture operations.
5 They are not intended to create a program; only to allow
6 operations to be developed by both public and private
7 entities.

8 Question: The cumulative impacts of all these
9 issues and the organizational structure of this program,
10 rules/regs changes, leasing, siting, management,
11 monitoring, et cetera, are significant and should be easy
12 to understand and support.

13 Doesn't the Mississippi Coastal Program require
14 you to coordinate these activities?

15 Answer: The proposed amendments only deal with
16 the regulatory framework for all aquaculture operations.
17 They are not intended to create a program; only to allow
18 operations to be developed by both public and private
19 entities.

20 Question: Has there been an Environmental
21 Assessment and has there been a cost benefit analysis for
22 this aquaculture program?

23 Answer: These questions are outside the scope
24 of the Part 13 amendments which do not address any
25 particular aquaculture program. Any aquaculture

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1 operations will still be subject to other permitting
2 processes.

3 Question: How are the lease sites being
4 determined and what are the impacts on the surrounding
5 areas?

6 Answer: The proposed Part 13 amendments do not
7 address any particular aquaculture program, or operation.
8 Site selection procedures for off-bottom lease areas are
9 part of the permitting process and can be reviewed when a
10 permit is submitted.

11 Question: One concern I have is that DMR is
12 both the regulator and the regulated entity in the oyster
13 farming venture.

14 How can that be fairly managed and balanced,
15 given push for development?

16 Answer: DMR carries out important projects that
17 benefit the state and coastal Mississippi every day. As a
18 regulatory and project management agency, DMR strives to
19 ensure that all its projects receive the same standard of
20 review as outside applicants.

21 With that being said and read into the public
22 record, a motion is needed for final adoption of the
23 regulatory changes to Title 22 Part 13.

24 COMMISSIONER GOLLOTT: Joe, before we take a
25 vote on this, I think Ms. Terese Collins would like to say

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1 something.

2 JOE JEWELL: Absolutely.

3 COMMISSIONER GOLLOTT: Come to the podium, Ms.
4 Terese.

5 State your name for the record, please.

6 TERESE COLLINS: I'm Terese Collins. My address
7 is 1270 Kensington Drive in Biloxi, Mississippi. I also
8 represent a group called Gulf Islands Conservancy. Thank
9 you for the opportunity to address you.

10 I do have concerns about the changes in the
11 regulation, and clarify something for me.

12 Is the only change -- from the one, I guess,
13 that was presented in August to now, is the only change
14 the distance between lease sites?

15 Is that correct, or am I wrong?

16 COMMISSIONER GOLLOTT: Joe, did you hear the
17 question?

18 JOE JEWELL: There are no changes between what
19 was presented in August and what is being presented, now.

20 The only difference is the Commission, in
21 August, requested that I come forward and answer all the
22 questions that were presented at the public hearing and
23 that have been submitted to the DMR.

24 The actual presentation in August has not been
25 changed at all. No regulatory changes to Title 22 Part 13

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1 as proposed.

2 TERESE COLLINS: The distance between, I guess,
3 sites, is it fifty feet, half a mile, five hundred feet?
4 Has that been determined by this regulation, or
5 not?

6 JOE JEWELL: No. The five hundred foot buffer
7 as originally proposed, that is still here. To change
8 that again is going to be part of the presentation for
9 another Notice of Intent.

10 I do want to say that there was actually one
11 change between August and September, and that is Ed Cake
12 had made a comment about getting rid of gender specific
13 pronouns. It did say "he" a few times. Those have been
14 changed to "they". That is the only change.

15 TERESE COLLINS: So you are telling me that you
16 are putting in for future changes to this regulation that
17 you are taking up today already?

18 JOE JEWELL: If you will look on the agenda,
19 there are actually two items on there that address Title
20 22 Part 13.

21 The first agenda item is the final adoption of
22 Title 22 Part 13 which is what I just read into the public
23 record.

24 Now, should the Commission move forward with
25 final adoption for that, the next agenda item that will be

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1 presented is the proposed Notice of Intent, and the
2 Commission has requested a couple of amendments to Title
3 22 that will incorporate two items on there. One of those
4 items is the buffers between leases, and, then, this one
5 that I just read into the record. Those buffers will go
6 from a quarter of a mile to five hundred feet.

7 With input from the Commission for further
8 consideration, the Notice of Intent which is the second
9 item for Title 22 Part 13 will further reduce the buffers
10 from five hundred feet to fifty feet, and, then, the size
11 and shapes of consideration of leases is the second
12 amendment and the second Title 22 Part 13.

13 So the first one is the final adoption, and, if
14 that moves forward, then, the second one will be a Notice
15 of Intent for consideration.

16 TERESE COLLINS: Given that and given the
17 complexity of this issue, I hope that you deny this action
18 today because it's not ready. We're not ready to make the
19 decision on this very significant aquaculture regulation
20 yet.

21 The public comments that were made which you saw
22 some of them were not considered, or not taken into
23 consideration, and there were no changes made, based on
24 those considerations.

25 I heard no one say make the boundaries smaller

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1 between the lease sites. I don't know where that came
2 from, or why.

3 COMMISSIONER GOLLOTT: It came from me, Ms.
4 Collins.

5 TERESE COLLINS: Thank you.
6 Then, why?

7 what is the reason to have it right up against
8 each other?

9 COMMISSIONER GOLLOTT: Why not?

10 TERESE COLLINS: Well, because this is public
11 land and, if it can be public oyster reef bottoms, why are
12 we leasing it to private individuals?

13 And, then, we don't know what the lease
14 requirements are going to be, we don't know how the
15 structures are going to be handled, and all this is up in
16 the air, so it's speculating why we should, or shouldn't,
17 do something.

18 COMMISSIONER GOLLOTT: It's based on my
19 experience with the oyster industry in Louisiana. They
20 have no boundaries between the leases.

21 If you lease a piece of property in Biloxi, you
22 don't have to have five hundred feet between your leases.
23 What is the purpose of five hundred feet?

24 TERESE COLLINS: Well, I don't know if the
25 leases in Biloxi, if they are public, or private, but this

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1 is public land and it does make a difference, and it makes
2 it easier to know whose lease is where, how we regulate
3 it, how we monitor it and how it is going to be sectioned
4 off so you know whose lease is next to what other piece of
5 property, how close these will be to public oyster reef
6 areas.

7 I think there are a lot of questions still that
8 affect the public for generations to come. This is not
9 just oyster aquaculture. This deals with all aquaculture
10 in the State of Mississippi in public waters. We have had
11 problems with that in the past, when they wanted to put
12 net-pen operations and feed factories and fish farms in
13 our waters without adequate regulations, and the
14 regulations came about, and, now, we're changing them.

15 I don't know why we are rushing to do something
16 that we could do better. I think there is much stronger
17 language that could be put in these regulations, much
18 clearer language, and I think, if we understood the
19 overall oyster farming issue, then, these regulations
20 would make a lot more sense to us and maybe they could
21 even be refined to be clearer and more likely to be
22 understood.

23 I don't know if the cost/benefit analysis has
24 proven that these oyster farms will actually be
25 beneficial, in terms of revenue producing, or just flat

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1 breaking even, for what the state is putting into the
 2 effort.
 3 Maybe it's more productive to have public reefs
 4 on the bottom. I don't know. I don't know that anyone
 5 has really answered this.
 6 I have real concerns that we are taking the
 7 references to the Mississippi Coastal Program out of this
 8 regulation because they are not always looked at.
 9 The people I have talked to with the oyster
 10 program don't seem to understand the value of Deer Island
 11 being a Coastal Preserve and the fact that no commercial
 12 activities can occur in this Coastal Preserve.
 13 Are you going to put oyster farms in this area
 14 and what is the conflict?
 15 What about the Hancock County preserve?
 16 Do they plan to put oyster farms in, or near,
 17 there, and what are the boundaries going to be?
 18 In Biloxi Bay?
 19 I'm not opposed to oyster farming. I've seen
 20 oyster farms all over the world, and there are all kinds
 21 of oyster farms from tractors to just guys walking in the
 22 water and taking care of their baskets. I'm not opposed
 23 to this at all in Mississippi. I just want something to
 24 be done right in Mississippi, and I would like it to be
 25 done right the first time.

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1 Alabama has their way. Mississippi and
 2 Louisiana have their way. Texas has their way. Baltimore
 3 has their way.
 4 I have looked at a lot of them, and I think that
 5 Mississippi can do a better job, and I think these
 6 regulations still need work.
 7 I think you have made your decisions. I think
 8 I'm just kind of blowing wind here, but thank you for the
 9 opportunity.
 10 I will be glad to discuss this more with you in
 11 more detail, and I offered that at the last public
 12 hearing, but Joe and the Fisheries people can only take up
 13 fisheries, this guy can only take up this.
 14 How do we get you-all in one room to talk about
 15 this and the cumulative comprehensive program that could
 16 actually succeed, if we did it right?
 17 Right now, it looks like a disaster for
 18 enforcement and for regulating and for even
 19 implementation.
 20 If you are already changing it, you are sitting
 21 here approving something that you are going to change in
 22 the next five minutes, and that is only one part that is
 23 not ready yet.
 24 Anyway, thanks for the opportunity to address
 25 you and good luck.

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1 COMMISSIONER GOLLOTT: Thank you, ma'am.
 2 At this time, we need a motion for final
 3 adoption.
 4 Does anyone want to make that motion?
 5 (No response.)
 6 COMMISSIONER GOLLOTT: I don't see a problem
 7 with this, so I'll make the motion that we move to final
 8 adoption on regulation changes to Title 22 Part 13.
 9 Do we have a second?
 10 COMMISSIONER HAVARD: Commissioner, I'll second
 11 that.
 12 COMMISSIONER GOLLOTT: we have a motion and a
 13 second.
 14 All those in favor say aye.
 15 (All in favor.)
 16 COMMISSIONER GOLLOTT: Opposed?
 17 (None opposed.)
 18 COMMISSIONER GOLLOTT: Motion carries.
 19 Thank you, Joe.
 20 JOE JEWELL: Thank you, Commissioners.
 21 Next up for the consideration of the
 22 Commissioners, like I stated, is a Notice of Intent for
 23 Title 22 Part 13. This Notice of Intent will affect two
 24 processes on the just adopted Title 22 Part 13. It
 25 incorporates two regulatory changes to the just adopted

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1 Title 22 Part 13.
 2 There are two proposed regulatory changes both
 3 in Chapter 9. The first one will occur in Section
 4 100.03.01.
 5 The changes occur in the Administrative
 6 Procedures Act in two ways. Underlined information will
 7 be added, and struck through information will be deleted.
 8 The new Section 100.03.01 will read as follows:
 9 "The proposed lease area must be configured as a
 10 square, or rectangle, with the lease area boundaries
 11 meeting at right angles. However, the lease rent may be
 12 adjusted pro rata to conform to non-rectangular shapes
 13 within the lease area."
 14 The second change in Chapter 9 will be in
 15 Section 100.04:
 16 "No proposed lease areas will be approved that
 17 are within fifty feet of an existing lease area that is
 18 pending final approval, unless the same person holds both
 19 leases."
 20 Required is a motion for Notice of Intent to
 21 regulatory changes to Title 22 Part 13.
 22 COMMISSIONER GOLLOTT: I'll make a motion that
 23 we adopt these changes.
 24 Is there any discussion on that?
 25 COMMISSIONER BOSARGE: Yes. I have a question.

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1 Joe, if there are two leases that abut one
2 another, then, it will be a hundred foot space in there,
3 each person will have fifty feet, or just fifty feet?

4 JOE JEWELL: Fifty feet.

5 COMMISSIONER GOLLOTT: One of the things that
6 happens in Louisiana, they will lease an area that is a
7 hundred feet, and, then, they won't put oysters right on
8 the boundary lines. At five hundred feet, you might be
9 wasting a lot of oyster bottom.

10 I've had a person that is interested in leasing
11 land ask for these new changes, and I have had an oyster
12 dealer ask for these new changes. He didn't want square.
13 He wanted to be able to make it in a half-moon shape, if
14 he wanted to.

15 They don't bed oysters on the very boundary
16 lines, and it is their responsibility to mark their leases
17 and put poles and everything and make sure their leases
18 are marked.

19 COMMISSIONER BOSARGE: I can understand that and
20 I can understand the difference in the shapes and size in
21 the area to be leased, but I'm a little concerned on the
22 fifty foot, in that most of the boats that will be
23 dredging are about that length. It's only a boat length
24 to where, if he wants to swing, he is on somebody else's
25 lease. I can see tempers rising.

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1 JOE JEWELL: Thank you, Commissioners.

2 The final agenda item for Marine Fisheries is
3 State records by Mr. Jon Barr.

4 JON BARR: Good morning Director Miller and Ms.
5 Chestnut. Good morning Commissioners.

6 We have one State record up for consideration
7 this morning. It is conventional tackle. It's a Southern
8 Hake, Urophycis floridana. It is a new record. It's
9 right at one pound. The angler is Mr. James Smith, Mr.
10 Jim.

11 That's Mr. Jim with the Hake. He is an Ocean
12 Springs resident and an avid recreational offshore
13 fisherman. He caught that big boy in about nine hundred
14 feet of water.

15 COMMISSIONER HAVARD: You say nine hundred feet
16 of water?

17 JON BARR: He was fishing in nine hundred feet
18 of water.

19 We get those inshore from, like, February to
20 May. They come in when it's cold to fatten up, but, for
21 the most part, those big adults are offshore.

22 COMMISSIONER GOLLOTT: Do we have a motion to
23 adopt this new record?

24 COMMISSIONER BOSARGE: So moved, Mr. Chairman.

25 COMMISSIONER GOLLOTT: We have a motion.

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1 I think at least a hundred foot would probably
2 be a little better.

3 COMMISSIONER GOLLOTT: It's not our job to
4 referee.

5 COMMISSIONER BOSARGE: It's our job to kind of
6 look into the future and make sure we don't create a
7 problem.

8 COMMISSIONER GOLLOTT: I don't have a problem
9 with whatever you want to put on it.

10 COMMISSIONER BOSARGE: That is at least twice a
11 boat length and will give just a little buffer in there.

12 COMMISSIONER GOLLOTT: I'll modify it to a
13 hundred feet.

14 JOE JEWELL: Commissioner Gollott modified the
15 motion to modify the Notice of Intent from fifty feet to a
16 hundred feet.

17 COMMISSIONER HAVARD: And I will second that
18 motion.

19 COMMISSIONER GOLLOTT: There has been a motion
20 and a second.

21 All those in favor say aye.

22 (All in favor.)

23 COMMISSIONER GOLLOTT: Opposed?

24 (None opposed.)

25 COMMISSIONER GOLLOTT: Motion carries.

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1 How about a second?

2 COMMISSIONER HARMON: So seconded, Mr. Chairman.

3 COMMISSIONER GOLLOTT: We have a motion and a
4 second.

5 All those in favor say aye.

6 (All in favor.)

7 COMMISSIONER GOLLOTT: Opposed?

8 (None opposed.)

9 COMMISSIONER GOLLOTT: Motion carries.

10 Thank you.

11 JON BARR: Thank you.

12 COMMISSIONER GOLLOTT: Before we move to
13 Resource Management, I would like to clear up something
14 here. I have had a question as to when the moratorium
15 takes effect. It will take effect immediately, as soon as
16 it was passed, the moratorium on oyster licenses, just to
17 clear it up.

18 Does anybody have a problem with that?

19 (No response.)

20 COMMISSIONER GOLLOTT: Mr. Jan Boyd, it's your
21 turn.

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

24 We have two action items for your consideration
25 this morning, and Jennifer Wilder will be presenting both

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1 of those.

2 JENNIFER WILDER: Good morning.

3 The first action item we have this morning is a
4 violation, with a request for an after-the-fact general
5 permit, by William Floyd Seal, Jr. The location is 1109
6 Stanfield Point Road in Gautier, Mississippi, and it is in
7 the General Use District.

8 Here is a location map. You can see I-10 and to
9 your left is Gautier-Vancleave Road, to your right Martin
10 Bluff and the Pascagoula River with his address shown.

11 The structures are two bulkheads. One is ninety
12 linear feet of bulkhead replacement on a manmade canal.
13 The other is sixty linear feet of new construction of a
14 bulkhead on the Pascagoula River.

15 Here is a diagram of his property. You can see
16 the existing keyhole slip is where the reconstruction is.
17 That is ninety feet along the inside of the existing slip.

18 The new construction of bulkhead is sixty feet
19 down where his house is, directly in front of his
20 property.

21 This is a picture of the new construction of
22 bulkhead. That is his house you can see sitting right
23 there.

24 This is the reconstruction on that existing
25 keyhole slip on the manmade canal (indicating photograph).

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1 On May 13th, 2015, a violation was reported to
2 the DMR concerning fill running into the Pascagoula River,
3 disturbance of shoreline and possible marsh damage.

4 On May 14th of 2015, a site visit was performed,
5 revealing fill running into the river and two bulkheads
6 built without a permit. Mr. Seal was told he would need
7 an application submitted so that he could get after-the-
8 fact authorization for those bulkheads.

9 On May 19th, 2015, a cease and desist notice was
10 sent to Mr. William Floyd Seal, Jr., property owner of
11 record.

12 May 28th, 2015, an application was received for
13 the unauthorized bulkheads.

14 On May 29th, 2015, an onsite visit with DMR,
15 Secretary of State staff and Mr. Seal was performed to
16 determine if the bulkhead on the Pascagoula River, the new
17 construction bulkhead, was built waterward of mean high
18 tide. Secretary of State staff requested additional
19 information from Mr. Seal to help with that determination.

20 May 2015 through July of 2016, Secretary of
21 State staff investigated the positioning of the bulkhead
22 on the Pascagoula River, by studying aerial photography
23 and old pictures, conducting personal interviews with the
24 contractor and other witnesses, and reviewing affidavits
25 from witnesses concerning the location of the mean high

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1 water mark prior to construction of the bulkhead and the
2 location of the new bulkhead.

3 June 27th, 2016, Wetlands Permitting staff
4 supplied DMR GIS staff with a copy of the deed of the
5 property obtained from the Jackson County Courthouse. GIS
6 found the location of the bulkhead, in relation to mean
7 high tide based on available aerial images and the
8 provided deed, was inconclusive.

9 The staff of the Department of Marine Resources
10 has conducted a thorough evaluation, but, based on
11 currently available information, it cannot definitively
12 determine that the bulkhead is waterward of mean high
13 tide. Therefore, the staff recommends that Mr. Seal be
14 allowed to keep both bulkheads in their current locations
15 and be issued a fine in accordance with Mississippi Code
16 49-27-51 for the violation and the after-the-fact general
17 permit.

18 The violation was discovered on May 12th, 2015.
19 The duration between that time and the date the
20 application was received was fourteen days. The maximum
21 potential fine is seven thousand dollars.

22 The recommended fine issued to Mr. William Floyd
23 Seal, Jr., is seven thousand dollars to be paid within
24 ninety days, or the matter will be forwarded to the
25 Attorney General's office for further enforcement action.

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1 The decision factors here are the applicant
2 constructed two bulkheads without obtaining a permit and
3 he has had previous violations and is familiar with the
4 permitting process.

5 The two previous violations, the first was fill
6 running into Pascagoula River in the same location, as to
7 why we were called in originally. The one in 2003 was a
8 bulkhead that we are being asked to permit again today.
9 His two previous violations are in the same location as
10 the two violations that you are looking at today.

11 Any questions?

12 COMMISSIONER GOLLOTT: Does anybody have a
13 motion on this?

14 SANDY CHESTNUT: Excuse me.

15 Is Mr. Seal, or anybody on his behalf, here and
16 would like to speak?

17 (No response.)

18 SANDY CHESTNUT: Okay. Continue.

19 COMMISSIONER BOSARGE: The one bulkhead in the
20 picture you showed that was in front of his house --

21 JENNIFER WILDER: (Interposing) That's the new
22 construction.

23 COMMISSIONER BOSARGE: In other words, the
24 original bulkhead looks like the house is sitting on the
25 edge of it.

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1 Was that the only bulkhead that was there, at
2 that time?

3 JENNIFER WILDER: Yes, sir, but we don't know
4 where mean high tide was. It looks that way. There are
5 conflicting views, when we looked at the information.

6 COMMISSIONER BOSARGE: who was the contractor?

7 JENNIFER WILDER: Ricky Register. Ricky has
8 signed an affidavit that he gave to the Secretary of
9 State's office, saying that he built the bulkhead that we
10 are discussing, now, on dry ground.

11 COMMISSIONER BOSARGE: well, I guess I'm kind of
12 confused. Usually, at least as of lately, we have been
13 fining the contractor.

14 JENNIFER WILDER: Yes, sir, but, in this
15 instance, because Mr. Seal had had two previous violations
16 for two similar things, we decided, after discussing it,
17 that that was the route we wanted to take.

18 COMMISSIONER BOSARGE: I'll make a motion we
19 accept staff's recommendations.

20 COMMISSIONER HARMON: I'll second it.

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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1 The project will allow for secure mooring of the
2 McDermott vessels which support the oil and gas industry
3 in the Gulf of Mexico, without blocking the range beacon
4 located within the State Port of Gulfport.

5 The proposed project is allowable within the
6 Industrial Development Use District.

7 There are no precedent setting effects expected,
8 based on this project.

9 No vegetated Coastal wetlands will be impacted.

10 The project should not have any additional
11 adverse impacts.

12 Because the pilings are already in place, this
13 modification should have no additional impacts.

14 The mooring dolphins are to support the
15 McDermott facility which is already located within the
16 State Port of Gulfport. No alternative sites were looked
17 at.

18 The mooring of vessels does require a waterfront
19 location.

20 The site is located in the industrial area with
21 other industrial facilities located adjacent to the site.
22 Scenic qualities should not be impaired by the proposed
23 project.

24 The McDermott facility does support the national
25 energy policy by supporting the oil and gas industry and

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1 (None opposed.)

2 COMMISSIONER GOLLOTT: Motion carries.

3 Thank you.

4 JENNIFER WILDER: Our next action item is a
5 permit modification by McDermott International. The
6 location is the Mississippi Sound at 51 Pier Road at the
7 south end of the east pier at the State Port of Gulfport.
8 It's in the Industrial Development Use District, and the
9 agent is BMI Environmental Services.

10 Here is a picture showing the Port of Gulfport
11 adjacent to Highway 90, Highway 49 there, with the east
12 pier circled.

13 The project description is six three pile
14 mooring dolphins. They now have a permit for them to be
15 there temporarily. All they are asking is that we change
16 that temporary to permanent, allow them to keep them.

17 This is a diagram showing the ship, in relation
18 to the east pier, with the mooring pilings marked. The
19 way that the ship is aligned is a little odd, compared to
20 where east pier is, because of the location beacon in the
21 Port, and the Coast Guard told us that if they parked
22 against the pier, they would be blocking that. That's the
23 need for the pilings.

24 This is a picture of the east pier, looking back
25 toward Gulfport.

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1 the proposed dolphins are necessary for the mooring of the
2 required vessels.

3 Notification of the project was in the Sun
4 Herald, as required by law, and no public comments were
5 received.

6 DEQ said no additional comments.

7 Archives and History said no additional
8 comments.

9 Secretary of State's office has no objections.

10 Wildlife, Fisheries and Parks had no comments.

11 Based upon departmental review and evaluation,
12 staff recommends that the Commission approve the
13 applicant's request.

14 Any questions?

15 COMMISSIONER BOSARGE: Looks like a no-brainer.

16 I'll make a motion we accept the staff's
17 recommendation, if there is no further discussion.

18 COMMISSIONER HAVARD: Commissioner, I'll second
19 that motion.

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

22 All those in favor say aye.

23 (All in favor.)

24 COMMISSIONER GOLLOTT: Opposed?

25 (None opposed.)

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1 COMMISSIONER GOLLOTT: Motion carries.
 2 Thank you.
 3 JENNIFER WILDER: Thank you.
 4 COMMISSIONER GOLLOTT: Kacey Williams is up
 5 next.
 6 KACEY WILLIAMS: Good morning Commissioners,
 7 Director Miller, Ms. Chestnut.
 8 These are the financial results as of August
 9 31st, 2016.
 10 We had a State revenue of six point five million
 11 and a total Agency revenue of nine point one million.
 12 Our State net income is five point four million
 13 and our total Agency net income is five point seven
 14 million.
 15 After two months of this fiscal year, we still
 16 have about ninety percent of both funds remaining, with
 17 Operating funds at eighty-nine point nine and Tidelands at
 18 ninety point two.
 19 Thank you.
 20 COMMISSIONER GOLLOTT: Thank you, Kacey.
 21 Melissa.
 22 MELISSA SCALLAN: Good afternoon.
 23 The Mississippi Department of Marine Resources
 24 was mentioned forty times in local, state and national
 25 media, since the last Commission meeting.

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1 JAMIE MILLER: Excuse me, Chairman. We had
 2 originally scheduled, in my executive report, to allow Dr.
 3 Gray to present a performance review that the National
 4 Estuarine Research Reserve, or our Grand Bay NERR, had
 5 just completed, but there was some confusion about the
 6 timing of that.
 7 Dr. Gray is here, and I would like to give her
 8 just a few moments to share some positive news and some of
 9 the positive things that the NERR is involved in.
 10 COMMISSIONER GOLLOTT: Sure.
 11 AYESHA GRAY: Thanks for asking me to be here
 12 today, Director Miller, Commissioners, Ms. Chestnut.
 13 Y'all are all familiar with the Coastal Zone
 14 Management Act. The NERRs were created as a part of that
 15 Act under Section 315 which establishes a series of marine
 16 sanctuaries for long-term research to increase public
 17 awareness and understanding of estuaries and provide
 18 opportunities for education and interpretation.
 19 There are twenty-eight of these reserves all
 20 over the country; about to be thirty, with new reserves
 21 about to be designated in Connecticut and Hawaii.
 22 As part of this Coastal Zone Management Act
 23 Section 312 it requires a review of performance. We just
 24 recently completed our review of performance at Grand Bay.
 25 This included an information submittal to NOAA who is our

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1 The DMR, I don't know if it was the first time,
 2 but it was mentioned in the New York Times in a story that
 3 they did about the Delta Supper Club which held a recent
 4 event in Cleveland, Mississippi.
 5 There is also an article about oyster reefs in
 6 the September-October issue of Mississippi magazine.
 7 This photo here, I don't normally have. I don't
 8 have a presentation today, but this picture is of Chief
 9 Davis presenting this young man with a lifetime fishing
 10 license. This is Chase Thompson. He is a young man who
 11 suffers from a genetic disorder. The doctor said he would
 12 die by the age of eight and he is, now, eighteen. His
 13 parents bought him a boat, and they presented him with a
 14 certificate showing that he was an honorary Marine Patrol
 15 Officer, as well as a lifetime fishing license. He was
 16 very excited, and he had several Marine Patrol Officers
 17 there with him. That was a good thing.
 18 Marine Patrol held two boat-and-water safety
 19 classes in August, and twenty-three students were
 20 certified. So far, in fiscal year 17, Marine Patrol has
 21 taught seven classes and certified fifty-six students.
 22 COMMISSIONER GOLLOTT: Thank you, Melissa.
 23 MELISSA SCALLAN: Thank you.
 24 COMMISSIONER GOLLOTT: If we have no other
 25 business --

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1 Federal partner in this project and, also, a site visit
 2 where they came to visit.
 3 As you know, the reserve is located in Jackson
 4 County and it is collocated with the Fish and Wildlife
 5 Services National Wildlife Refuge.
 6 We really pointed out what we are working on
 7 here which is to develop the understanding and stewardship
 8 of wetland habitats, to really work in an integrated way.
 9 These are research preserves and all are about doing
 10 research, and, then, immediately disseminating that
 11 information through stewardship land management, education
 12 programs and training programs.
 13 The idea of the project is that we provide
 14 scientific expertise to the community of coastal managers
 15 and to the DMR about the NERR, and that helps with coastal
 16 management.
 17 We have a variety of partnerships that we
 18 highlighted, including Fish and wildlife Service, projects
 19 that we are doing with EPA, universities and our
 20 community.
 21 We pointed out the success of our systemwide
 22 monitoring program. It's a program looking at water
 23 quality and vegetation and sediment dynamics. We also
 24 pointed out our land management, actions that we do in
 25 partnership with Fish and Wildlife Service.

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1 We pointed out how we address critical applied
2 science questions at the NERR, and that we also take the
3 answer to those questions and put them into education and
4 training programs.

5 At the NERR, we use innovative technologies such
6 as UAS to do our work.

7 One of our biggest accomplishments for the
8 evaluation was the construction of our building. This is
9 a Coastal Resource center, and it is the first green
10 certified building in Mississippi. It's a leader in
11 energy and environmental design, and the evaluation
12 committee found this to be very impressive.

13 The other accomplishments that they noted
14 included the strong partnership that we have with DMR.
15 When Direct Miller became the director at the DMR, he
16 elevated the position at the NERR as an office, and this
17 was noted by the evaluation committee as an example of
18 this strong partnership.

19 They also noted our participation with the
20 restoration coordination team, with the office of Coastal
21 Restoration and Resiliency, and the work that we are doing
22 between the DMR and the DEQ to work on restore projects.

23 They applauded us for our innovative research
24 programs and approaches, for using innovative technologies
25 such as UAS, and for the relationships that we have with

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1 our community partners.

2 They noted our team's attitude and dedication,
3 and one of the things that I really want to point out that
4 they said to us was that the Grand Bay NERR is a leader in
5 the National system of NERRs.

6 I think these are all really important things
7 and things that we are going to continue working on so
8 that we can better understand our ecosystems and help the
9 protection and conservation of these areas, and I think
10 that that leads a lot to increasing stability and
11 resilience in our community to giving our children a
12 better sense of place and connectiveness to the
13 Mississippi Coast, and, also, to understand and have a
14 greater recognition of the economic, scientific and
15 cultural value of these places.

16 We will continue doing our programs that bring
17 the community out into our reserve so that they can
18 experience what we have out there and these really special
19 habitats and see really special things.

20 We will continue working with teachers through
21 our Teachers on the Estuary Program so that those teachers
22 can get trained to take those lessons into the schools.

23 We will continue training graduate students
24 which we will train not only to be great scientists, but
25 also to be great communicators.

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1 The real highlight, I think, is that the work
2 that we do at the Grand Bay NERR inspires young scientists
3 who want to aspire to grow up and work in the Mississippi
4 Department of Marine Resources.

5 Thank you.

6 JAMIE MILLER: Thank you, Dr. Gray.
7 Congratulations on a great 312 evaluation.

8 We don't talk about the NERR enough in
9 Commission meetings, but we are one of only twenty-eight
10 NERRs in the whole country, designated in 1999. We
11 completed the facility, I think, in 2009.

12 I can tell you the exit interview, when those
13 evaluators came and we sat and met, they had interviewed
14 staff and community partners and, at the end of their few
15 days that they were here, they only had very positive
16 things to say. They were struggling to find any kind of
17 improvement to point out, but I'm sure they will send us
18 something.

19 When she says we are a leader, they absolutely
20 are convinced that Mississippi is leading in this effort
21 and partnership with NOAA.

22 It is something we should all be proud of. We
23 don't get to talk enough about it, but I can tell you that
24 we are leading, Dr. Gray is leading that group and it is
25 something to be very proud of.

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1 Thank you, Dr. Gray, and thank your staff.

2 AYESHA GRAY: Thank you.

3 COMMISSIONER GOLLOTT: Next we have public
4 comments, and we have Gilbert Ramsey.

5 Gilbert, it is getting late, so you've got five
6 minutes.

7 GILBERT RAMSEY: Good afternoon.

8 I'm interested in Coastal Management Fellowship
9 Program with NOAA. I'm introducing mobility impaired
10 citizens.

11 I'm a concerned citizen and veteran doing an
12 outreach program at the Hiller Park location next to the
13 VA.

14 I'll be introducing a Fishing has no Boundaries
15 Paraplegic Fishing Rodeo, and I want an ocean literacy
16 program initiated with the Department of Marine Resources
17 and with Grand Bay. There are twenty-eight research
18 facilities. I'm very familiar with that application, and
19 I'm familiar with the Gulf National Seashore, what they
20 have to offer, and IMMS.

21 I reached out to all sources in this community
22 to initiate this opportunity, and I'm offering World
23 Health Organization's assistance with assistant
24 technology. World Health Organization recognizes this
25 application to make sure it is implemented appropriately.

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1 I'm here to make sure that this is identified
2 within the community for international recognition for the
3 hospitality state.

4 I have this acquired and have accomplished this
5 plan to the BP council. The BP council addressed the
6 project across the state borders. It can be addressed for
7 more funds to recoup for this location.

8 I'm here to identify this appropriately. I'm
9 not here to mislead anybody. I'm just an old country boy
10 with a passion. I've been working on this since 2012.
11 I'm looking forward to the implementation of this
12 opportunity to represent the hospitality state for this
13 initiative.

14 Here we go ladies and gentlemen. I have this
15 opportunity to do this, and I will be before the
16 University of Southern Mississippi on the 26th, with the BP
17 council, to instill this application to make sure that we
18 come forth to introduce this appropriately for our state
19 for tourism opportunities and everything, economic
20 development.

21 I have a new composite industry. I will be
22 introducing innovative ideas to introduce for this
23 educational outreach program for ocean literacy, and I
24 will look at this with the robotics' industry and the
25 Gulfport High School students. They are the United States

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1 robotics' champion. They are building a lifting system to
2 accommodate disabled people into the vessels.

3 We are doing a new platform, a new platform next
4 to the VA Hospital. I have a conference call coming with
5 eight hundred hospitals across the United States.

6 Here we go ladies and gentlemen. I'm here, and
7 I'm here to state this.

8 Secretary of State is waiting on me to do a
9 PowerPoint presentation. Mr. Carter and everybody knows
10 me. I have an I.T. specialist working on a PowerPoint
11 presentation as we speak, and I have a meeting tomorrow at
12 the VA Hospital to make sure it is handled within their
13 discretion and their capabilities.

14 The Federal Government is aware of this. I have
15 an Executive Order that addresses equality and favorable
16 comprehensive ideas.

17 I will show you this and identify everything
18 with you, Ms. Chestnut, or Mr. Miller. Whoever wants to
19 step up to identify this with me, I will be honored to
20 speak with you.

21 Here we go. I'm honored to have this venture
22 and venue to introduce this appropriately for research
23 capabilities and educational outreach programs for the
24 disabled community and senior citizens.

25 Thank you for your time and cooperation.

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1 COMMISSIONER GOLLOTT: Thank you, sir.

2 Next, have Mandy Skinner. I don't see him. It
3 looks like he has already left.

4 Ms. Thao Vu, state your name and you have five
5 minutes.

6 THAO VU: Good afternoon. I will try to keep
7 this brief and concise, since it has been a long meeting.

8 Thao Vu, Mississippi Coalition for Vietnamese
9 American Fisher Folks and Families.

10 I know there were a lot of presentations
11 regarding oysters. I do want to make some comments about
12 the recent Mississippi Oyster Stewardship meeting. It
13 took place during shrimping season, and I know that many
14 of the fishermen are both shrimpers and oyster harvesters,
15 and many of those fishermen could not attend that oyster
16 stewardship meeting and I think some didn't receive the
17 notice.

18 I know that staff at DMR had mentioned there are
19 sometimes challenges in keeping up the records, in terms
20 of how many license holders there are, their addresses and
21 phone numbers.

22 We will try to work with the State agencies in
23 making sure that everyone receives adequate notice.

24 There was a survey that was disseminated and the
25 results of that survey were compiled and put in a

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1 PowerPoint presentation.

2 We think that everyone, even folks that could
3 not attend the stewardship meeting, should be able to fill
4 out that survey and state issues and concerns just as
5 those who were able to attend that meeting.

6 That is one of our key recommendations, right
7 now, is to get that survey out to those fishermen who
8 could not attend that oyster stewardship meeting, and we
9 think that is very important, just to get everyone's
10 voices that are affected in that survey.

11 I think that the survey said that less than
12 fifty filled it out and we have many more license holders.

13 I think that there is a lot of time and
14 resources in organizing any kind of meeting for the
15 community, a lot of staff time and a lot of money, and we
16 would just like it to be more coordinated and more
17 innovative and have high quality results.

18 When I say high quality, I know that language
19 and communication barriers have been ongoing, particularly
20 for the Vietnamese community, but, if DMR can more
21 accurately identify more competent interpreters, that will
22 greatly help because interpretation was lacking at that
23 stewardship meeting and the reason why is because DMR had
24 a lot of topics.

25 One of the topics was on restoration, for

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1 example, the National Fish and Wildlife Foundation project
2 that was called the oyster management program that Dr.
3 Lucas shared.

4 well, this agency has an office of restoration
5 and resiliency. It will be really more helpful for the
6 public and particularly for the fishermen if Mr. George
7 Ramseur will give more ongoing presentations on some of
8 the projects that this state agency is working on with the
9 Mississippi Department of Environmental Quality,
10 particularly on oyster restoration projects. That would
11 help us because Dr. Lucas' presentation was very good, but
12 there wasn't enough time for a lot of details and, at the
13 end of the meeting, some of us, including myself felt that
14 we didn't have enough time to make any public comment.

15 Those are some of the recommendations we are
16 making and, in terms of the season, we are very worried
17 and we would like to make this recommendation, in terms of
18 the oyster reefs in the western sound that would have been
19 impacted by the recent flooding that Mr. Gordon showed the
20 pictures of.

21 We are very worried about the oyster mortality,
22 and we would like to make a recommendation if the
23 Commissioners and the agency will consider developing a
24 bagless dredging project for those reefs. We think that
25 would greatly help, or significantly help, the condition

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1 of those reefs.

2 The reefs that had the mortality, the Pass
3 Marianne and the Telegraph, if you would seriously
4 consider a bagless dredging project and actually hire the
5 fishermen to do that -- if they need additional training,
6 they can get it, but they know how to do that, and I think
7 that would help the condition of those reefs. We think
8 that is very important for the Commissioners to consider.

9 Thank you for your time.

10 COMMISSIONER GOLLOTT: Thank you.

11 With no other business, can I get a motion
12 adjourn?

13 COMMISSIONER HAVARD: Mr. Chairman, I make the
14 motion that we adjourn.

15 COMMISSIONER GOLLOTT: We have a motion.

16 Do we have a second?

17 COMMISSIONER BOSARGE: So seconded.

18 COMMISSIONER GOLLOTT: All those in favor say
19 aye.

20 (All in favor.)

21 COMMISSIONER GOLLOTT: Motion carries.

22 (Whereupon, at 12:20 o'clock, p.m., the
23 September 20, 2016, meeting of the Commercial on Marine
24 Resources was concluded.)
25

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C E R T I F I C A T E

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2
3 I, Lucille Morgan, Certified Shorthand Reporter, do
4 hereby certify that the above and foregoing is a true and
5 correct transcript of the September 20, 2016, meeting of
6 the Commission on Marine Resources, as taken by me at the
7 time and place heretofore stated in the aforementioned
8 matter in shorthand, with electronic verification, and
9 later reduced to typewritten form to the best of my skill
10 and ability; and, further, that I am not a relative,
11 employee, or agent, of any of the parties thereto, nor
12 financially interested in the cause.
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