

COMMISSION ON MARINE RESOURCES

TRANSCRIPT OF MEETING Taken November 17, 2015 (Condensed Transcript)

Reported and Transcribed by:
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COMMISSION ON MARINE RESOURCES

TRANSCRIPT OF MEETING

Taken at the Bolton State Building Auditorium, 1141 Bayview Avenue, Biloxi, Mississippi, on Tuesday, November 17, 2015, beginning at 9:00 a.m.

COMMISSION MEMBERS PRESENT:
COMMISSIONER RICHARD GOLLOTT - CHAIRMAN
COMMISSIONER SHELBY DRUMMOND - VICE CHAIRMAN
COMMISSIONER STEVE BOSARGE
COMMISSIONER ERNIE ZIMMERMAN
COMMISSIONER RON HARMON
MR. JAMIE MILLER - EXECUTIVE DIRECTOR
HONORABLE SANDY CHESTNUT - COMMISSION ATTORNEY

REPORTED BY:

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1 (All in favor.)
2 COMMISSIONER GOLLOTT:
3 Opposed?
4 Motion carries.
5 Okay. Next, we have approval of the
6 agenda. Do we have any modifications?
7 With no modifications, do we have a
8 motion?
9 COMMISSIONER DRUMMOND:
10 I make a motion we approve the agenda,
11 Mr. Chairman.
12 COMMISSIONER GOLLOTT:
13 Thank you. Do we have a second?
14 COMMISSIONER ZIMMERMAN:
15 Second, Mr. Chairman.
16 COMMISSIONER GOLLOTT:
17 Okay. We have a motion and a second.
18 All those in favor, say "aye."
19 (All in favor.)
20 COMMISSIONER GOLLOTT:
21 Opposed?
22 Motion carries.
23 Next, we have the Executive Director's
24 report.
25 DIRECTOR MILLER:

1 COMMISSIONER GOLLOTT:
2 I'd like to call this meeting to order.
3 I would like to welcome everyone. The first thing
4 on the agenda is the Pledge of Allegiance. I
5 would like to ask Shelby Drummond to lead us in
6 that.
7 (Wherein, the Pledge of Allegiance
8 was recited by all.)
9 COMMISSIONER GOLLOTT:
10 Okay. We need an approval on the
11 minutes. Do we have any modifications or do we
12 have an approval on the minutes of the last
13 meeting?
14 COMMISSIONER BOSARGE:
15 I'll make a motion we approve the minutes
16 from the last meeting.
17 COMMISSIONER ZIMMERMAN:
18 Mr. Chairman, I would like to go on
19 record saying it's an abbreviated minutes. If
20 anyone publicly wanted to listen to the whole
21 meeting, we have a recording of these minutes, and
22 with that, so moved also.
23 COMMISSIONER GOLLOTT:
24 We have a motion and a second. All those
25 in favor say "aye."

1 Thank you, Chairman. I have just a few
2 items.
3 First is, the agency will host the 2015
4 Legislative Forum this year at the Biloxi
5 Visitor's Center on December the 5th beginning at
6 5:30. This is an opportunity for the agency to
7 provide an overview and a year-end review for our
8 coastal delegation, and, of course, the
9 Commission. We'll also discuss legislative
10 proposals that we intend to support in this
11 upcoming session, and also provide the Coastal
12 Delegation with the 2017 or Fiscal Year 2017
13 Tidelands proposals for their consideration.
14 Secondly, I would like to remind anyone
15 in the audience that's wishing to make a public
16 comment that they fill out the Public Comment
17 Forms located at the back table. And if you will
18 indicate on the form, if there's an agenda item
19 where the Commission will be taking action, if you
20 want to speak on that very item, that you indicate
21 that on the form so that we can be aware of that.
22 If you don't indicate that you want to speak on a
23 particular item in the agenda, then you will be
24 recognized during the public comment section,
25 which is at the end of the meeting.

1 We'll also remind you, as we go through
2 the agenda, as the Commission takes any action,
3 you will be invited, if you wish, to make a public
4 comment at that time.

5 Finally, next Thursday, the agency will
6 be on holiday for Thanksgiving, so the agency will
7 be closed Thursday, November the 26th. That's my
8 report.

9 COMMISSIONER GOLLOTT:

10 Thank you, Mr. Director. At this time, I
11 would like to recognize one of our new Senators,
12 Mr. Mike Seymour. Mike, stand up and show
13 everybody who you are. Thank you. Glad to have
14 you here.

15 Okay. Next, we have Mr. Keith Davis,
16 Marine Patrol.

17 MR. DAVIS:

18 Good morning, Mr. Chairman,
19 Commissioners, Director Miller, Ms. Chestnut.

20 On the Citation Report this month, if you
21 will notice, we still are having violations with
22 crab theft, unmarked crab pots and traps marking
23 the -- in the middle of the navigable channel.

24 On the second page, under the Fishing
25 Violations, if you notice, we're still getting

1 we're tracking those, so if we issue a person a
2 courtesy citation, and say, the next time, in a
3 couple of weeks, three weeks, if we check them
4 again, we can run them and our dispatch will let
5 us know if they've had a courtesy citation before.
6 If so, then they get written a regular citation at
7 that time. So we are trying to help the public,
8 educate them, but if they continue to violate, we
9 will issue them a citation.

10 Also, of course, on everybody's mind and
11 on the news, the plane crash in Jackson County
12 with the three occupants that are missing. We are
13 still searching, involved in the search, trying to
14 find the plane, and we'll continue as long as we
15 can on that to try to bring closure for the
16 family.

17 COMMISSIONER DRUMMOND:

18 Have you found anything?

19 MR. DAVIS:

20 We've found debris, and that's all we've
21 found so far.

22 Any questions?

23 COMMISSIONER DRUMMOND:

24 Yes. On Page 3, simple possession of
25 marijuana, simple possession of whatever, are

1 undersized spotted sea trout violations, and the
2 sizes range anywhere from eight-and-a-half inches
3 to 12 inches that the fishermen are keeping.

4 I also have possession of filets. That's
5 the one I mentioned last month, with the 28 filets
6 in Ziplock bags that were thrown over, and the
7 officer was able to retrieve them.

8 And, also, the failure to report red
9 snapper trips. We had 16 violations. Before
10 September the 1st, we were issuing courtesy
11 violations on that. Starting September the 1st,
12 we started writing citations. We ended up with
13 16, failure to report.

14 On Page 3, if you will notice, we also
15 had a wetlands violation, where one of our
16 officers caught three people on ATVs in the
17 wetlands. That's the first time in several years
18 that we've made a case on that. And that came
19 from a complaint from a concerned citizen that had
20 been noticing ATVs in the marsh. So we were proud
21 to make that stop and issue those citations.

22 If you look on Page 4, we have the
23 courtesy citations. If you do notice, we may have
24 a drop in citations, and that's because we started
25 issuing courtesy citations right after July. And

1 these on fishing vessels?

2 MR. DAVIS:

3 Some of them are on fishing piers and at
4 boat ramps, then when we come up to check their
5 fishing license, they catch them in the act with
6 the marijuana or the methamphetamine, and they
7 issue a citation. Most of the time, it's a
8 misdemeanor, so they don't go to jail. They just
9 get a citation.

10 COMMISSIONER DRUMMOND:

11 What about no proof of insurance, is that
12 a --

13 MR. DAVIS:

14 That was during a traffic stop. There
15 were seven traffic stops this month. So when the
16 officer asks for ID, they also ask for insurance
17 papers. And you may see a seatbelt violation down
18 there. When they stopped them, they didn't have
19 their seatbelt on, so they issued a citation for
20 that, too.

21 COMMISSIONER DRUMMOND:

22 Under Miscellaneous Complaints and
23 Reports, you have undersized speckled trout and
24 undersized red drum. Should that come under
25 Complaints?

1 MR. DAVIS:
 2 That's just complaints that we receive
 3 from the public that we try to act on. A couple
 4 of those complaints were in Hancock County at
 5 Garfield Ladner Pier, which some of our officers
 6 set up on and made three cases. One was 22
 7 undersized speckled trout, and one was --
 8 COMMISSIONER DRUMMOND:
 9 So the public reported it?
 10 MR. DAVIS:
 11 The public reported it.
 12 COMMISSIONER DRUMMOND:
 13 Thank you, Rusty.
 14 COMMISSIONER GOLLOTT:
 15 Thank you, Rusty. Next up is Joe Jewell,
 16 Marine Fisheries.
 17 MR. JEWELL:
 18 Good morning, Commissioners, Director
 19 Miller, Counselor Chestnut. This morning, we have
 20 for your consideration three actions. First up is
 21 Dr. Paul Mickle, who will give a presentation on
 22 the red snapper season.
 23 DR. MICKLE:
 24 Good morning, Commissioners, Director
 25 Miller, Sandy. Today, Marine Fisheries would like

1 to present the results for the 2015 recreational
 2 red snapper season.
 3 All right. So a little bit of
 4 background, and remind everybody kind of what went
 5 on this year. We had a federal season and a state
 6 season. The federal season began June 1st and ran
 7 through June 10th for the private anglers, and
 8 through sector separation, the charter for-hire
 9 industry got 45 days starting June 1st through
 10 July 15th, and then the state season began just
 11 after that, July 16th running through Halloween.
 12 So effective December 1st, the Commission
 13 required mandatory reporting for red snapper
 14 landed in Mississippi. So that required any
 15 recreational anglers to report their catch and to
 16 put it into policy.
 17 The DMR's response to that was to create
 18 the vehicle of TailsnScales Reporting System. It
 19 was an electronic reporting system using a web
 20 portal, web page, or a call-in option open 24
 21 hours a day.
 22 So just to compare a little bit, our
 23 state reporting system, TailsnScales, and then
 24 there's a federal reporting system, which a lot of
 25 you already know about, but just to clarify for

1 some that may not, it's called the MRIP reporting
 2 system. It's for recreational landing. It's a
 3 federal system through NOAA, and they do report
 4 landings in Mississippi. And the policy in the
 5 Gulf of Mexico, the landings of federally managed
 6 red snapper is driven by this reporting program.
 7 I broke it up between the
 8 charter-for-hire industry and the private
 9 industry. And this is just for the month of June,
 10 here. So for the charter-for-hire, the federal
 11 program showed very similar landings to the state
 12 TailsnScales program. They're fairly close
 13 together.
 14 The federal program here, the MRIP
 15 private during the federal ten-day season showed
 16 Mississippi anglers caught zero red snapper during
 17 the ten-day season. If you drove around during
 18 that ten days, you would know that that's an
 19 incorrect number.
 20 The TailsnScales reporting system showed
 21 just shy of 40,000 pounds during that ten-day
 22 season. Just comparing the federal system to our
 23 TailsnScales state reporting system.
 24 So for summary results, for all seasons
 25 combined within Mississippi for 2015 was total

1 harvest was 52,800 pounds. Over 10,000 fish were
 2 landed, average weight over five pounds. Average
 3 length was nineteen-and-a-half inches. Almost
 4 1500 completed trips, which comes out to be 4.37
 5 anglers per vessel, per trip, and just under 1.6
 6 fish per angler.
 7 And then we broke it up by county here to
 8 kind of see because the TailsnScales reporting
 9 system allows us to look at our universe of
 10 anglers. Hancock County was the smallest, as far
 11 as trips, and then Harrison County was right here.
 12 And the majority of our charter-for-hire fleet is
 13 in Harrison County, so a lot of these trips are
 14 our charter industry. And then Jackson County is
 15 our big county for recreational private red
 16 snapper trips. And these others are for the
 17 adjunct northern counties, such as Forrest, Stone
 18 County and Lamar County made up this number here.
 19 Okay. So if we just look at the federal
 20 season to show what TailsnScales reporting system
 21 has reported this year, you can see on the X axis
 22 we have pretty much all 45 days, running from June
 23 1st through July 15th, and then our landings on
 24 the Y axis. So the private landings are in
 25 yellow, right here. Pretty much from the 1st

1 through the 10th were the big private season. You
2 can tell the landings here is very indicative of
3 what we would think would be landings, so we
4 consider the reporting system is showing the
5 trends here. Big first day, slacking off during
6 the work week. The weekend was the biggest day
7 here, then dropping off the next work week, and
8 then increasing a little bit on the last day of
9 the season.

10 But I would like to add here that our
11 charter industry had a nice, very steady fishery
12 for 45 days, nice, steady landings, which you
13 always like to see for our charter-for-hire
14 captains here in Mississippi.

15 Although 2014 was not mandatory
16 reporting, 2015 was, so doing quantitative
17 comparisons in landings and effort levels is
18 pretty much impossible to do because, of course,
19 it's optional versus mandatory.

20 But DMR staff did biological collection
21 of data exactly the same, so it's standardized
22 between 2014 and 2015, of measuring the fish's
23 length, fish's weight and the fish's age. So that
24 gave the staff the ability to actually do
25 quantitative comparisons between last year and

1 can see what the effort is at the beginning of the
2 season, end of the season, if there's weather
3 dynamics involved with the folks going out. All
4 of these things, we can use from our reporting
5 system, the data we have. The stock assessment
6 inputs, effort, landings, angler universe changes,
7 all the inputs that we use in stock assessments, a
8 lot of them are already in this reporting system
9 now.

10 I think this is an example of realtime
11 management. This is where we are headed in
12 fisheries management in the Gulf of Mexico. It's
13 good Mississippi is now a part of it. This can be
14 used as a floor plan. Perhaps a boater doesn't
15 report back. Law enforcement starts the search,
16 they can download, they have access to our
17 reporting system. They can see the port they left
18 out of and when they left out of it. This is a
19 tool for that. It's a valuable thing.

20 And lastly, it protects Mississippi's red
21 snapper harvest by providing accurate landings.
22 This has potential for a regional manager of the
23 future. We don't know if that's going to happen,
24 but it's good to have a data system in place that
25 would allow Mississippi to protect its harvest, as

1 this year.

2 And I would like to point out here on
3 this figure, I've shown both years here, and the X
4 axis has the federal season, and then I've broken
5 up the first half of the state season and the
6 second half of the state season in the two years.
7 So the first half -- I'm sorry, the federal
8 season, right when it opens up in June of both
9 years, the fish are larger, which is indicative of
10 that offshore fishing. They're allowed to go out
11 as far as they want because of the federal waters
12 being open, and those are always larger fish. And
13 then when the state season peaks and then levels
14 off, those are a little bit smaller fish.

15 But I would like to add that both years
16 show completely level weights. This is indicative
17 of the single fishery. It has a minimal impact on
18 the (inaudible). If the weights were dropping off
19 very quickly between the first and second half of
20 the season, it would be that warning sign to start
21 looking closely at the fishery or more close.

22 All right. So what's the value of this
23 reporting system that we have here in Mississippi
24 now? We can see seasonal trends that I've shown
25 here today. We could look at effort analyses. We

1 far as a federally managed species.

2 Are there any questions?

3 COMMISSIONER BOSARGE:

4 I've got one. It's good to see the
5 information and everything is looking good. I had
6 one question, though. As far as the state system
7 and where we're headed, for it to be a usable
8 system, it has to be validated. Are we working
9 towards having this validated?

10 DR. MICKLE:

11 Yes. Actually, it's happening the
12 beginning, middle of next year. All the reporting
13 systems, all of the landings will have to go
14 through a federal validation process.

15 COMMISSIONER BOSARGE:

16 I think Alabama is working with MRIP to
17 have their information validated.

18 DR. MICKLE:

19 Absolutely. All the states are, as far
20 as I know.

21 COMMISSIONER BOSARGE:

22 That will be your third-party validation,
23 in other words?

24 DR. MICKLE:

25 Yes, it will.

1 COMMISSIONER BOSARGE:
 2 All right. Thank you.
 3 MR. JEWELL:
 4 Thank you, Paul. Next up on our agenda
 5 is Item F-2. Ms. Jenny Herbig will give an update
 6 on the artificial reef program.
 7 MS. HERBIG:
 8 Good morning, Commissioners, Director
 9 Miller, Ms. Chestnut. This morning, I'll just be
 10 going over a brief review of what the artificial
 11 reef program has done throughout the year and a
 12 couple of our upcoming projects for 2016.
 13 As part of our Rigs to Reef Program, we
 14 worked with Chevron to decommission one of their
 15 rigs. In November of 2014, the jacket of this rig
 16 was towed to and decommissioned in Main Pass 185.
 17 After all the paperwork was signed we accepted
 18 this donation of the jacket in February of this
 19 year.
 20 The Rigs to Reef Program offers an
 21 alternative decommissioning option to the complete
 22 removal of structure, allowing the structure to
 23 remain in the marine environment rather than
 24 putting it on shore.
 25 Throughout the year, we also worked with

1 Omega Protein, out of Moss Point, Mississippi, to
 2 decommission a 165-foot pogy boat. This pogy boat
 3 was deployed on June 10th at the south side of
 4 FH-13. The picture on the right was taken
 5 approximately half an hour after the vessel sank.
 6 As you can see, it's a large structure, and it
 7 should provide a large amount of valuable habitat
 8 increasing fishing and diving opportunities for
 9 the local community.
 10 During July and August this year, we
 11 deployed approximately 10,000 tons of concrete
 12 culverts. These culverts were used to make 12
 13 total deployments. Four deployments were in FH-1,
 14 four deployments were in FH-2, and four
 15 deployments were made in FH-13.
 16 During September of this year, we
 17 deployed approximately 1400 cubic yards of crushed
 18 concrete on Buoy Reef. This reef is approximately
 19 two miles northwest of Cat Island, so it should
 20 provide some valuable in-shore habitat and
 21 in-shore fishing opportunities.
 22 So not only did we deploy new habitat, we
 23 also monitored our in-shore habitat. We -- about
 24 every four months, we checked on our in-shore
 25 sites and re-marked any of them that needed new

1 signs. These signs helped local anglers locate
 2 low-profile structures.
 3 We also worked with the GCRL hatchery
 4 throughout the year on -- as part of their red
 5 snapper enhancement program. So far, we've done a
 6 total of four releases, releasing approximately
 7 7000 juvenile red snapper two to three inches in
 8 length. These snapper have been released on
 9 structures at FH-3 and FH-14.
 10 So it's also been a really busy year for
 11 our dive program. We've completed just over 500
 12 dives. Quite a few of these dives were done for
 13 the Oyster Square Meter Sampling Project. The
 14 other dives were conducted to release red snapper,
 15 the Red Snapper Enhancement Program I mentioned
 16 previously. And the other dives we did were part
 17 of the Gulf States Mississippi Fish Response Unit
 18 Project, where we conducted biological reef
 19 surveys.
 20 All of these dives have gone very well,
 21 and we expect to continue dives like these
 22 throughout 2016. So not only will we continue
 23 diving through 2016, but we also have a couple of
 24 deployments coming up. The first one would be the
 25 Cat Island deployment, where we are currently

1 working with the CCA for plans to enhance the Cat
 2 Island fish haven with small concrete culverts.
 3 We also have the FEMA project, which will
 4 restore Square Handkerchief Key, Jailhouse Key and
 5 Pass Christian Key to pre-Hurricane Ivan
 6 conditions. It will also create more fishing
 7 opportunities. These keys also provide a source
 8 of refuge for small boats during storm events if
 9 they're caught out there.
 10 In the spring of this year, we will be
 11 working on our Coastal Impact Assistance Project.
 12 We will be deploying small habitats for juvenile
 13 reef fish. These will be specifically designed
 14 for these fish. They're small. They're nested.
 15 They'll hopefully decrease juvenile mortality
 16 while increasing the number of fish back in the
 17 fishery.
 18 So we've had a really productive year.
 19 We hope to have an equally as productive, if not
 20 more next year. We are really excited about our
 21 upcoming projects. Does anybody have any
 22 questions?
 23 COMMISSIONER DRUMMOND:
 24 Jennifer, are you working with the CCA
 25 project off of Cat Island?

1 MS. HERBIG:
 2 Right.
 3 COMMISSIONER DRUMMOND:
 4 Have they done anything yet?
 5 MS. HERBIG:
 6 They're still talking about it. They're
 7 still working on it.
 8 COMMISSIONER DRUMMOND:
 9 I didn't hear you.
 10 MS. HERBIG:
 11 I'm sorry. We're still in talks about
 12 it.
 13 COMMISSIONER DRUMMOND:
 14 They have a half a million dollars to
 15 work on that project at Cat Island. I guess
 16 they've spent all their money, huh? Anyway, thank
 17 you.
 18 MR. JEWELL:
 19 Commissioners, for efficiency sake, I
 20 delayed giving the quota update so I could combine
 21 that with Item F-1, 3. The quota update for red
 22 drum, of course, you know the quota increase was
 23 to 60,000 pounds. They did reach the 60-pound
 24 mark, and the season is closed effective October
 25 31st.

1 Spotted sea trout, the quota is 50,000.
 2 They have reached 28,325 pounds. The season is
 3 closed. The active -- second part of the fishing
 4 season closes October 31st. As you well know, we
 5 extended it by one month.
 6 The quota for flounder is 74,000 pounds.
 7 Landed so far is 26,279 pounds. This season is
 8 scheduled to close December 1st, 2015, pending
 9 reaching the quota.
 10 With that being said, I'll move on to
 11 Item F-3, Oyster Season Update. The Commission on
 12 Marine Resources approved a special dredging
 13 season effective November 3rd through November the
 14 7th. That's a Tuesday through a Saturday.
 15 Unfortunately, the conditionally approved
 16 areas were closed on the 3rd and the 4th, which
 17 was the opening day, Tuesday and Wednesday, due to
 18 rainfall on the previous Saturday and Sunday.
 19 However, the conditional approved areas
 20 were opened. They were open the entire time. It
 21 was just a small part of the area. There was one
 22 narrow area that was open, and during this time,
 23 we did have one fisherman that took advantage of
 24 the opening and during that season.
 25 So for that special relay activity and

1 dredging activity, we had a total of two trips,
 2 one sack. Approximately one sack of legal size
 3 oysters was harvested, and 14 sacks of cultch
 4 material was moved to the designated cultch site
 5 area.
 6 Additionally, the Commission on Marine
 7 Resources approved the opening of the 2015/2016
 8 oyster season. That season opened for tongers on
 9 November the 10th and will continue on until its
 10 regularly scheduled time, which is generally in
 11 April. The tongers had a sack limit of seven
 12 sacks per day.
 13 The scheduled season for the dredgers at
 14 that time was November the 10th through December
 15 the 12th, with a sack limit of 10 oysters, 10
 16 sacks per day.
 17 Again, the conditionally approved areas
 18 were closed on opening day, that Tuesday the 10th,
 19 due to rainfall. We did reopen on Wednesday and
 20 Thursday of that week, which was the 11th and the
 21 12th. We then closed again on -- through this
 22 Friday, Saturday and Monday and Tuesday, today,
 23 due to river stage. And I'll give you an update
 24 on the current regular season landing so far.
 25 We have a total of 74 trips that

1 occurred. 54 of those were taken out of Pass
 2 Christian and 20 out of Bayou Caddy. The number
 3 of sacks harvested, the total was 618. 427 were
 4 harvested out of Pass Christian and 191 were
 5 harvested out of Bayou Caddy.
 6 With that being said, I'll entertain any
 7 questions by the Commission.
 8 COMMISSIONER DRUMMOND:
 9 It's closed right now?
 10 MR. JEWELL:
 11 It is closed right now. Our crews were
 12 out water sampling yesterday. It was somewhat
 13 limited in sampling and scope. We weren't able to
 14 get to the outer areas because of the rough
 15 weather conditions, but we were able to sample the
 16 interior areas, which are the areas that the
 17 Commission opened. We are expecting those water
 18 samples back later this afternoon.
 19 COMMISSIONER GOLLOTT:
 20 With that said, I would like to make a
 21 motion, and I would like to read the whole thing,
 22 and then we'll open it up for discussion and give
 23 everybody a chance to say what they want to on
 24 this.
 25 I think a moratorium is necessary based

1 current licenses and all license type for this
 2 oyster season would be moratorium into the season,
 3 but those people that -- I mean, no one else would
 4 be allowed to purchase a license for this year.
 5 Is that correct?
 6 COMMISSIONER GOLLOTT:
 7 That's correct. And that was the intent
 8 of it. And I don't see a problem with that. I
 9 think most of us know the reason for that is we
 10 don't want a bunch -- if we raise the sack limits,
 11 we don't want a bunch of people piling in here
 12 hurting the fishermen.
 13 And if you are going to fish oysters, you
 14 would have bought your Mississippi license
 15 already, so --
 16 COMMISSIONER BOSARGE:
 17 And is this moratorium just for one year?
 18 COMMISSIONER GOLLOTT:
 19 Just one year.
 20 MR. JEWELL:
 21 Most of the moratoriums were effective
 22 for one year and the Commission would reconsider,
 23 the staff would come forward with a
 24 reconsideration of each consecutive year. I don't
 25 know that it was a continuance. We've come

1 forward with a recommendation each year.
 2 COMMISSIONER BOSARGE:
 3 And, you know, Joe, there's been a lot of
 4 work done on oysters, and a lot of folks spent a
 5 lot of time meeting, talking, researching, a lot
 6 of folks. And I felt like that between all those
 7 meetings and between the staff, we had come up
 8 with a pretty fair management plan.
 9 You know, oysters are deadly, and if you
 10 look out and you research and you see what's
 11 happened, especially on the east coast in, for
 12 instance, New York, where they have no oysters
 13 that are edible oysters, we're just a little
 14 behind the time in where we fall in that category.
 15 I feel like that -- and I know in this
 16 motion or at least in the second motion, you talk
 17 about, Richard, the number of sacks that you feel
 18 is harvestable level. And can you give us some
 19 idea how you came to that number?
 20 I mean, if you look at the -- what the
 21 staff has done and what the staff has presented,
 22 they talk about a percentage of the total
 23 harvestable oysters, and taking that certain
 24 percentage off of each reef, and in closing each
 25 reef when that harvest has been reached on that

1 reef, where we don't go out and take, I think you
 2 said, forty-something thousand. We don't wind up
 3 taking 40,000 sacks off of one area. We take a
 4 certain percentage.
 5 And if you look at the different states
 6 and the way they do it, that appears to be the
 7 model that works the best.
 8 COMMISSIONER GOLLOTT:
 9 Steve, after talking to Patrick Banks for
 10 an extended period of time -- and I could be
 11 wrong, but I think they had one area that it was
 12 upwards of 70 percent. This would be less than 50
 13 percent of the oysters that we are recommending
 14 for Mississippi.
 15 You know, to the staff's credit, and it
 16 was the first time that I can remember that
 17 they've done this assessment and come up with how
 18 many sacks is available to harvest out there,
 19 plus, how many sacks will be -- basically, how
 20 many sacks will be ready in, say, six months or a
 21 year. And there's another 100,000 sacks coming
 22 right behind this.
 23 In the past, no management plan at all,
 24 was just open it up and let the fishermen go catch
 25 whatever they could. We're not doing that. I

1 think we are managing this very well. And I think
 2 the market, and the fishermen, and the state will
 3 benefit by this 42,000 sacks. We harvested 28,000
 4 last year, and it looks like we got more this year
 5 than we did last year, so --
 6 COMMISSIONER BOSARGE:
 7 And I don't have a problem if it's the
 8 40,000 number you are coming to, but I think you
 9 need that number to fall within the management
 10 plan, in that if you are going to do the 40,000,
 11 and we say we are going to take 40 percent, then
 12 we take 40 percent from each reef, and when that
 13 number is reached off that reef, that reef closes.
 14 That falls in the management plan.
 15 COMMISSIONER DRUMMOND:
 16 I might be wrong saying this, but I'm
 17 going to say it anyway. It's my understanding
 18 that we've got 92,000 sacks of oysters out here on
 19 areas that are open to oyster fishing along the
 20 Mississippi coast.
 21 Richard wants to take 42,000 of those, so
 22 that leaves 50,000, and that ought to be enough
 23 seed oysters for the next two years. Is that
 24 right, Joe?
 25 MR. JEWELL:

1 As I understand it, that's Commissioner
 2 Gollott's request, yes.
 3 COMMISSIONER DRUMMOND:
 4 Is that what you mean, Richard?
 5 COMMISSIONER GOLLOTT:
 6 Yes. That's exactly what I mean. Not
 7 only that, we plan on having a -- and we've been
 8 working with the director on having a relay
 9 program, a transplant program to enhance our
 10 oysters. We are really looking to get up -- the
 11 Governor wants us to get up to about a million
 12 sacks. So I think we're headed in that direction.
 13 Our staff, our oyster staff is coming up
 14 with this model that Louisiana is using.
 15 Louisiana has got four years in their model, and
 16 they said it's more right than it is wrong.
 17 But I think the more data we get in this,
 18 the more we can manage this thing scientifically.
 19 And that's where we're headed.
 20 COMMISSIONER DRUMMOND:
 21 If we get the money that I think we're
 22 going to get, and that's probably \$20 million to
 23 enhance the oyster industry in Mississippi, I
 24 think we're going to have a good oyster population
 25 within the next four years.

1 COMMISSIONER GOLLOTT:
 2 But the Commission does want to do this
 3 scientifically. If there's a model we can come up
 4 with, and feed data into it, and come up with a
 5 rhyme or reason, you know, whatever the percentage
 6 is, that's where we're headed, and we're working
 7 with the staff on this.
 8 Do we have some fishermen that would like
 9 to speak on this? Come to the podium and state
 10 your name.
 11 MR. TILLMAN:
 12 Ben Tillman. I was thinking, I don't
 13 know why you want to raise the sack limit. I
 14 mean, 10 sacks is perfect. I would rather work
 15 six months instead of working a month. I would
 16 rather get 10 sacks a day than get 20. Keep the
 17 reef open. They closed the season down, and the
 18 Pearl River didn't even get to the flood stage, so
 19 now we've got more rain coming, so we're going to
 20 be shut down again.
 21 We've been dealing with this for the past
 22 four years. I mean, you can't work. I mean,
 23 you've got to do something to get the fishermen
 24 money. I don't know what you've got to do. We've
 25 got the Bonnett Carre` spillway that we got money

1 for, it's supposed to be for the fishermen. We
 2 ain't got none of that. You got BP money. It's
 3 supposed to be for the fishermen. Ain't got none
 4 of that. You all are giving to other people
 5 that's already got money. I mean, you've got to
 6 put the fishermen to work. I mean, that's the
 7 whole deal. That's what I think about it.
 8 COMMISSIONER GOLLOTT:
 9 Let me address that just a little bit.
 10 My concerns is, the way we are having opening and
 11 closing with the Pearl River, it looks like, to
 12 me, you would be better off catching 20 sacks, if
 13 you've got to miss two days, then you would catch
 14 up in a week, and that's where we are at on that.
 15 MR. TILLMAN:
 16 First of all, they said we are going by
 17 Louisiana, the same -- the way Louisiana does it.
 18 I've been working in Louisiana by Half Moon, right
 19 there by the Pearl River. I mean, Louisiana won't
 20 close like that, you know. They didn't even take
 21 samples. They closed the season down. They ain't
 22 had no idea, and they could have let us work. We
 23 could have had four days in already and got paid
 24 for it. Now we've got this rain coming, four to
 25 five inches. What are we going to do now?

1 Another two weeks off?
 2 COMMISSIONER GOLLOTT:
 3 Thank you, sir.
 4 COMMISSIONER DRUMMOND:
 5 Sir, what's your name?
 6 MR. TILLMAN:
 7 Ben Tillman.
 8 COMMISSIONER DRUMMOND:
 9 Ben, how would you like to get a subsidy
 10 from DMR?
 11 MR. TILLMAN:
 12 That would be fine.
 13 COMMISSIONER DRUMMOND:
 14 If you didn't catch any fish or quota of
 15 oysters. You would like that, wouldn't you?
 16 MR. TILLMAN:
 17 Yes, sir.
 18 COMMISSIONER DRUMMOND:
 19 You wouldn't want to work for it, would
 20 you?
 21 MR. TILLMAN:
 22 I mean, I like to stay busy. I like
 23 fishing. I like oystering. I like shrimping. I
 24 mean, this is what I did my whole life.
 25 COMMISSIONER DRUMMOND:

1 Would you like to transport some oysters
 2 from Jackson County over to Harrison County?
 3 MR. TILLMAN:
 4 Yes, sir.
 5 COMMISSIONER DRUMMOND:
 6 Thank you, Ben.
 7 COMMISSIONER GOLLOTT:
 8 Thank you, Ben. Zachary Stube, did you
 9 want to speak?
 10 MR. STUBE:
 11 He said what I wanted to say.
 12 COMMISSIONER GOLLOTT:
 13 Andrew Livings?
 14 MS. CHESTNUT:
 15 For the record, Mr. Stube passed on the
 16 public comments.
 17 MR. ANDREW LIVINGS:
 18 My name is Andrew Livings. Just to give
 19 you an idea, I've been commercial fishing,
 20 oystering and shrimping probably 25, 26 years.
 21 And right at this time, our reefs cannot handle a
 22 raised sack limit for the simple reason, the area
 23 that we are working now is about the only place
 24 where there are any amount of oysters that can be
 25 retrieved at this time.

1 And to raise the sack limit to 20 sacks,
 2 the area would be completely destroyed. There's a
 3 lot of small, young growth on it, and with a
 4 20-sack limit, you have the dredges being left in
 5 the water much longer, which is going to
 6 continuously roll the reef and destroy the smaller
 7 growth oysters on it. And I believe that if you
 8 raise the limit, it's going to destroy more than
 9 it's going to help more.
 10 There's only one general area that has
 11 enough sustainability for this year. Because I've
 12 rode out with them when they did sampling to look
 13 around for the oysters, and our reefs are very
 14 severely hurt and damaged. And I honestly don't
 15 think we have the amount of sacks that you all say
 16 you have because I haven't seen that many live
 17 oysters on our entire reef.
 18 And I just don't think it can handle a
 19 raised sack limit. Because we still have the
 20 basket dredges that are still in effect. Even
 21 though they passed a lighter dredge weight, they
 22 just cut some of the material off of these
 23 dredges.
 24 And these type of dredges, the way they
 25 do, it's a fixed bag on it, and when they -- they

1 get super loaded down, it just acts as a plow, and
 2 it goes underneath them, and it just continuously
 3 rolls. The bag is not flexible. And that will be
 4 in the water also much longer than ten sacks.
 5 So I believe we'll be doing more damage
 6 with the 20-sack limit than we would be with where
 7 it is now.
 8 COMMISSIONER GOLLOTT:
 9 Andrew, I've dredged oysters myself. Why
 10 would you leave the dredge in the water if you
 11 increase the sack limit? That doesn't make --
 12 MR. ANDREW LIVINGS:
 13 Because you are out there for an
 14 hour-and-a-half to two hours to catch ten sacks.
 15 You are out there for four hours to catch 20
 16 sacks. You are doubling the amount of time that
 17 you are out there, so your dredge is going to be
 18 in the --
 19 COMMISSIONER GOLLOTT:
 20 You are not doubling the time you leave
 21 the dredge in the water.
 22 MR. ANDREW LIVINGS:
 23 But some people don't know what they're
 24 doing when they're out there dredging.
 25 COMMISSIONER GOLLOTT:

1 That's a different problem.
 2 COMMISSIONER BOSARGE:
 3 Andrew, what you say kind of fits the
 4 model that the DMR wants to do, in that I
 5 understand most of the oysters are in one spot,
 6 but that's going to put most of the pressure in
 7 one spot. And that damage -- in other words, we
 8 have a bunch of reefs that probably don't need any
 9 effort on them. They need to be left alone.
 10 But, at the same time, we need to protect
 11 what we have. And we don't need to go out there
 12 and dredge to get a few oysters and kill a lot.
 13 I guess my point is, the model that
 14 they're using is to take a certain percentage off
 15 of each reef. It's not going to work very well
 16 for you being that -- because all of the oysters
 17 are in one place, that reef will close once that
 18 number of sacks is taken off of it.
 19 But in the bigger picture, it's
 20 preserving it for next year, letting it grow.
 21 That's what, in my opinion, and the staff's,
 22 that's where we're at. We've got to back off of
 23 it some, at some point in time. And that's where
 24 I have the problem with maybe what we did last
 25 Commission meeting, and some with this, in that if

1 we're going to do it and we're going to open the
2 season. let's set it up where there's only a
3 certain amount taken off a certain spot and then
4 it's over. It stops. Whether it be your 10 sacks
5 or 20 sacks. I can look at both pictures of the
6 10/20 argument. I like what you say, in that it
7 gives you more time, but it stretches it out, but
8 you don't make as much money. There's six of one,
9 half dozen of the other.

10 MR. ANDREW LIVINGS:

11 If you up the sack limit, that helps the
12 dealers, you know, because they get more sacks for
13 a lower price. If you leave the sack limit low,
14 then they can come up with the price on the
15 oysters and we can make more money there, also.

16 So it's a give and take deal. But,
17 personally, I don't think the sack limit needs to
18 be at 20 sacks because the reef cannot sustain a
19 20-sack limit. Because the amount of boats that
20 I've just heard through the grapevine that's
21 already coming that already have their licenses,
22 they're leaving Louisiana to come over here
23 because it's closer to home for a 20-sack limit,
24 they can make close to the same amount of money as
25 they are over there, but they already own

1 licenses. They're coming too. So that's going to
2 be another 15 boats that's coming that already has
3 a license that if the sack limit stays low,
4 they'll stay over there, and that will put less
5 pressure on our reef.

6 COMMISSIONER BOSARGE:

7 I see. Okay. Thank you.

8 COMMISSIONER GOLLOTT:

9 Okay. One more thing. I hear two things
10 you are saying. You are saying you are worried
11 about the price falling if we increase it to 20
12 sacks.

13 MR. ANDREW LIVINGS:

14 Yes, sir.

15 COMMISSIONER GOLLOTT:

16 I've talked to several dealers. The
17 market price on the east coast and our area is
18 roughly about \$35 a sack, and I understand that's
19 what they're getting. And I talked to some of the
20 dealers, and they said if we increased it, he
21 didn't see -- they didn't see the price falling.
22 He said Mississippi has got a little bit better
23 oyster than most places right now, so they're
24 really after the Mississippi oysters.

25 The next thing I hear you saying is you

1 are worried about other boats coming over here and
2 crowding you, and that's a legitimate concern, and
3 we appreciate it.

4 Anybody else have anything for him?

5 Thank you.

6 MR. ANDREW LIVINGS:

7 Thank you.

8 COMMISSIONER GOLLOTT:

9 John?

10 MR. JOHN LIVINGS:

11 Good morning. My name is John Livings,
12 and I'm an oyster fishermen from Pass Christian.
13 I've talked to several of you, not at the
14 Commission meeting, before.

15 I don't like catching ten sacks. I'm not
16 going to lie. It sucks. But I just don't think
17 that we need to just up the sack limit because --
18 I mean, I know that the dealers need the product
19 right now for Thanksgiving, and if they didn't
20 need the product that bad, a 20 sack limit
21 wouldn't even be -- it wouldn't even be a
22 consideration.

23 So I know that the -- and the \$35 for the
24 sack limit that you were saying that -- a lot of
25 the boats in Louisiana are getting \$40 wholesale

1 right now, and with the sack limit being low in
2 Mississippi at a \$35 price, I mean, yeah, the
3 fishermen are not going to make as much money, and
4 they're going to complain and try to get the sack
5 limit raised to get more product for the dealers.

6 But I just don't see the point in doing
7 twice the damage to the reef to make the same
8 money you should be making already. So I'm not
9 for 20 sacks, for sure. I personally went out on
10 Joe Jenkins' boat, with Scott Gordon and several
11 others, and we looked at quite a few different
12 areas, Square Ancient Reef, right on the east side
13 of it, in between the shoals. There wasn't even
14 no shells. It was just dead bottom.

15 We checked several other places that 80
16 to 85 percent dead loss. One of the areas on the
17 tonger reef we looked at was 75 to 80 percent dead
18 loss of the newer growth, the small oysters that
19 were not legal to harvest last year.

20 So to open it up with a higher sack limit
21 would be better for the fishermen to make more
22 money, but it would also bring every person that
23 has already bought a Mississippi license, whether
24 it be from Alabama, Louisiana, wherever they're
25 from, back to catch 20 sacks instead of 10.

1 And if you just want to raise it, raise
2 it to 12 or something. 20 sacks is just too much.
3 COMMISSIONER DRUMMOND:
4 John, how would you like to discontinue
5 the oyster fishing this year in Mississippi?
6 MR. JOHN LIVINGS:
7 I wouldn't at all because I have kids to
8 feed and bills to pay, too. I definitely would
9 not want to close it. I just think we need to do
10 it the right way.
11 COMMISSIONER DRUMMOND:
12 So 10 as opposed to 20, huh? 10 sacks?
13 MR. JOHN LIVINGS:
14 I would definitely rather catch 10 than
15 20 this year. I mean, if it just needs to be
16 raised to meet their quota, raise it a couple of
17 sacks. You don't have to go 10 sacks all at once.
18 I'm always the one wanting a higher sack limit.
19 And, Mr. Richard, you know I've talked to you
20 several times. But when the DMR asked us to go
21 out on the boat with them and look at areas, and I
22 showed them areas to look at, and we take the time
23 to do it, but it seems like every time we do it,
24 when we ask for something, it's just kind of --
25 they are going to do just the opposite anyway.

1 So the fishermen are getting frustrated,
2 and they don't want to be a part of anything
3 because they're never listened to anyhow. So I
4 don't know. I don't know what the answer is.
5 COMMISSIONER ZIMMERMAN:
6 Where we sit at and where I'm at, I look
7 at we have a depleting resource, and it's becoming
8 hotter and hotter under our tail, per se, because
9 it is -- it's depleting. It's not getting better.
10 We were here last year having this same
11 conversation. We were here the year before having
12 semi this conversation. It's getting worse, not
13 better.
14 So with that said, you know, we've got to
15 come up with a plan. That's what we're trying to
16 do. We're trying to work towards getting
17 something that's going to get you all back working
18 every year, year after year.
19 MR. JOHN LIVINGS:
20 Well, our problem started a long time ago
21 when the law was actually changed for, like, our
22 shell tax. The fishermen pays half of the
23 Mississippi shell tax and the dealer pays half.
24 Well, 50 percent of the shells sold in
25 the state was mandatory to go back on the reef.

1 Well, that law has been changed. And if you look
2 back to when that law was changed, our sack limit
3 started going down every single year.
4 So now, we still pay half the shell tax,
5 but the dealer just sells the shells to the
6 highest bidder. I mean, last year, all of our
7 shells went to Louisiana. They didn't -- well,
8 most of our shells went to Louisiana. So, yes,
9 Louisiana is going to do much better than us.
10 They have all of our shells and --
11 COMMISSIONER DRUMMOND:
12 John, another question. Can you live on
13 \$350 and \$400 a day? Can you --
14 MR. JOHN LIVINGS:
15 That sounds good. That sounds like
16 money.
17 COMMISSIONER DRUMMOND:
18 Buy your fuel and whatever?
19 MR. JOHN LIVINGS:
20 Well, I'm going to have to. I'm one of
21 the fishermen -- I just don't have the heart to
22 tell my crew that's been with me for 15 and 20
23 years that they don't have a job because somebody
24 else messed up, you know.
25 So I'm just going to -- whatever I have

1 to do this year to keep my crew going, that's what
2 I'm going to do, whether it be just split it even
3 with them so they can at least -- it's hard to ask
4 a man to go to work oystering on a boat for \$50,
5 \$60, \$70 a day, it is. But every one of them has
6 said that they would rather make that for a while,
7 instead of making \$100, \$150 a day for a week, you
8 know. It just doesn't add up, you know.
9 COMMISSIONER GOLLOTT:
10 John, do you tong or dredge?
11 MR. JOHN LIVINGS:
12 I do both. Whatever needs to be done, we
13 do it. And we work multiple boats if we need to,
14 you know. I may go dredging, and come in and go
15 back out tonging. Whatever I have to do to keep
16 my -- I own three dredge boats, is what I own, and
17 I have -- I used to have seven guys. Well, now, I
18 don't have seven guys with me anymore. I have --
19 well, we still have six, counting myself, five and
20 me. So whatever I have to do to keep them
21 employed working, that's what I'm going to do,
22 whether it's dredging, tonging, cultivating,
23 transplanting, whatever.
24 COMMISSIONER GOLLOTT:
25 Thank you, John. And the reason for this

1 is, is to try to help the fishermen.
 2 MR. JOHN LIVINGS:
 3 Yeah, I understand. I know you have good
 4 intentions. I just think that 20 is too many.
 5 COMMISSIONER GOLLOTT:
 6 Would 15 be better?
 7 MR. JOHN LIVINGS:
 8 How many licenses have already been sold?
 9 Do we know what that is, for in state and out of
 10 state? How many have been sold as of this date?
 11 COMMISSIONER GOLLOTT:
 12 I don't know, but I highly suspect
 13 there's a lot of people that didn't buy an oyster
 14 license this year because they weren't coming over
 15 here with this small --
 16 MR. JOHN LIVINGS:
 17 Well, they are bound to have the line out
 18 the door over there getting them right now because
 19 some dealers may have told them there's going to
 20 be a moratorium. You know how it works.
 21 COMMISSIONER BOSARGE:
 22 One thing. John, how do you feel about
 23 the management plan that has been proposed where
 24 you take a certain percentage off each reef and at
 25 that point it closes? I know that makes it harder

1 on you.
 2 MR. JOHN LIVINGS:
 3 I think it looks good on paper. I think
 4 in the real world, it doesn't work that great,
 5 because if we take 20 percent off of this reef and
 6 it's got plenty of oysters, 20 percent of nothing
 7 is still nothing. If there's not anything there
 8 to catch --
 9 COMMISSIONER BOSARGE:
 10 Well, I just want to know if we take a
 11 hundred percent off of one spot, then we've got
 12 everything --
 13 MR. JOHN LIVINGS:
 14 Well, I don't think a hundred percent,
 15 definitely. But I believe if we go to work, and
 16 the trip tickets are going to tell when people are
 17 coming in with their landings. If they're still
 18 catching oysters at the end of that time period,
 19 and the same amount of time as when they started,
 20 then there is more oysters than what we thought
 21 was there. So you can kind of manage it on a
 22 percentage of the times and how quick people are
 23 getting their limit, a legal limit to -- I mean,
 24 nobody really knows what's on the bottom. I mean,
 25 we can -- on paper, it all looks great. If it

1 takes me an hour-and-a-half to catch ten sacks
 2 right now, and 40 -- well, December the 12th, if
 3 it takes me an hour-and-a-half to catch ten sacks
 4 then, then somebody was off on their percentage
 5 and we need to stay working on that spot.
 6 COMMISSIONER GOLLOTT:
 7 John, don't you -- I've heard deplete.
 8 Don't you leave everything that's under three
 9 inches out there?
 10 MR. JOHN LIVINGS:
 11 Everything.
 12 COMMISSIONER GOLLOTT:
 13 So you are not taking everything off the
 14 reef. All you are doing is harvesting the ripe
 15 fruit. You are leaving the rest of the stuff out
 16 there.
 17 MR. JOHN LIVINGS:
 18 That's right. And what Andrew was saying
 19 about the -- we appreciate the effort on the
 20 dredges, but that was another thing I was saying.
 21 When the fishermen put their information to, it's
 22 always re-routed or something different. It's
 23 never what's asked or -- and it's not by you
 24 all's. And I've personally been, for about six
 25 years now, trying to get -- talking with Scott and

1 trying to get basket dredges outlawed. And to
 2 lower the -- that -- the weight limit, that did
 3 nothing. It did absolutely nothing.
 4 So until we first take care of what's
 5 tearing up our reefs and then get our shells back
 6 out on the reef, I mean, we are going to be
 7 fighting this forever.
 8 COMMISSIONER GOLLOTT:
 9 Thank you, John. We appreciate your
 10 comments.
 11 On the motion, instead of 20 sacks, I'd
 12 like to modify it for 15 sacks for dredging, 10
 13 sacks for tonging. We'll see how that works.
 14 COMMISSIONER ZIMMERMAN:
 15 Mr. Chairman, can we get the motion up?
 16 I think that's what Jamie asked for earlier.
 17 We've got parts of two motions.
 18 MR. JEWELL:
 19 I think the first motion up for
 20 consideration is the moratorium on license sales.
 21 I think Sandy had asked for clarification for that
 22 motion to be read into the record, and for John to
 23 present it on the screen. So, Commissioner
 24 Gollott, could you read that motion so John could
 25 present it --

1 COMMISSIONER GOLLOTT:
 2 Establish a license moratorium for
 3 current 2015 and '16 oyster season based on
 4 current license sales by license type effective
 5 November 17th, 2015. Additionally, the CMR does
 6 hereby establish a hardship clause --
 7 MR. JEWELL:
 8 Commissioner Gollott --
 9 DIRECTOR MILLER:
 10 Why don't we just hand you the piece of
 11 paper he's reading from. That way, he can
 12 transcribe it.
 13 COMMISSIONER BOSARGE:
 14 While you are doing that, I would like to
 15 ask Ms. Chestnut a question. Can we legally do
 16 that, put a moratorium on --
 17 MS. CHESTNUT:
 18 Yes. The Commission does have the
 19 authority to establish a moratorium. And that is
 20 in 49-15 --
 21 COMMISSIONER BOSARGE:
 22 Without any public comment or anything?
 23 MS. CHESTNUT:
 24 We've asked for public comment, right?
 25 COMMISSIONER BOSARGE:

1 Pardon?
 2 MS. CHESTNUT:
 3 I don't think anybody spoke to the
 4 moratorium.
 5 COMMISSIONER DRUMMOND:
 6 I don't understand, Steve. What are you
 7 asking?
 8 COMMISSIONER BOSARGE:
 9 Well, I don't know. I guess what I'm
 10 saying is, all the moratoriums I've ever been
 11 involved in, it's a long, drawn-out process. In
 12 other words, at some point, you are excluding
 13 somebody that feels that they shouldn't have been
 14 excluded. And if you don't do it within a certain
 15 path, then it's not -- what I've always considered
 16 not legal.
 17 MR. JEWELL:
 18 Well, I think the Commission -- I think
 19 the way I understand the motion is that there's a
 20 hardship clause, but there's no definition what
 21 that hardship clause is.
 22 So any fisherman that's not able to buy a
 23 license would be able to appeal directly to the
 24 Executive Director, and it would -- the process
 25 wouldn't end there. If, say, for instance, if the

1 fisherman, for whatever reason, was not able to
 2 purchase a license, that fisherman would be able
 3 to appeal to the Executive Director. And if he
 4 did not find relief from the Executive Director,
 5 that fisherman would be able to appeal directly to
 6 the Commission on Marine Resources at its next
 7 Commission meeting. At least that's the way I
 8 understand the motion as it is now. So it
 9 wouldn't be a 100 percent exclusionary motion, the
 10 way I understand it.
 11 And that's similar to the way the
 12 moratoriums were in place in the past. But I do
 13 agree with you, the way the moratoriums were
 14 established in the past, there was a process that
 15 was established that the Commission required the
 16 staff to go through. It was based on license
 17 type, license participation. There was a summary
 18 of I think the years that were involved, the
 19 fishermen were involved.
 20 But that sort of evolved over the years.
 21 The program was in place, I don't know, six,
 22 seven, eight years, and it evolved each year.
 23 Like I said, it was renewed annually. The
 24 Commission had to vote on it annually to keep it
 25 in place.

1 DIRECTOR MILLER:
 2 If I understand what Steve's getting at,
 3 I think Steve is asking Sandy, does the Commission
 4 have authority to put in place a moratorium which
 5 would not require that an ordinance or a
 6 regulation be changed. Normally, if we are going
 7 to change an ordinance or a regulation, we go out
 8 a notice of intent, a 30-day process, public
 9 comment.
 10 But I believe Sandy is saying that that
 11 is not necessary. The Commission can take action
 12 and establish a moratorium for this season for
 13 oyster commercial licenses. Is that accurate?
 14 MS. CHESTNUT:
 15 That's correct. Under 49-15-16, the
 16 Commission does have the authority, and it does
 17 not require a regulation change. There's always
 18 going to be different methodology in how you
 19 impose the moratorium, and those are always
 20 subject to challenge. So it just depends on what
 21 the Commission feels comfortable doing in imposing
 22 a moratorium.
 23 And this motion, from what I can tell,
 24 does have a hardship provision, which we've
 25 included in the past.

1 COMMISSIONER BOSARGE:

2 And we've had three people get up and
3 talk about the limits, and one of them said as
4 many as 12, and we're at 15 on the dredges. Is
5 that where you want to keep that?

6 COMMISSIONER GOLLOTT:

7 Well, we --

8 MS. CHESTNUT:

9 I think if we could just address the
10 first motion dealing with the moratorium first,
11 and then we can go into more discussion on the
12 second motion.

13 MR. JEWELL:

14 So I think, Steve, what I'm hearing you
15 say is, this motion on the moratorium is similar
16 to the motions that the moratoriums that the
17 Commission has adopted in the past, in that it has
18 the license and the consideration for a hardship
19 clause, but it's dissimilar from the moratoriums
20 in the past in that it's effective now, whereas in
21 the past, there was a time period for
22 considerations of data and other things that took
23 place. Is that correct?

24 COMMISSIONER BOSARGE:

25 Correct. Yes. I can recall one year in

1 The real heart of the question is, the
2 trip ticket data, how many of these people that
3 had bought 200-plus licenses are actually
4 harvesting. So I can get that number for the
5 Commission. Because of those numbers that
6 purchase licenses, those 200-plus, you know, the
7 numbers that are actually out there working every
8 day -- so far, we've had around 30, 35 boats out
9 each day that are actually harvesting. So the
10 number of license purchase is not a true
11 indication of effort.

12 COMMISSIONER BOSARGE:

13 I think that leads back to a point in
14 time back a few years, where we basically said if
15 you didn't have a license in the previous year,
16 you couldn't purchase a license. Now that folks
17 have their license, they make sure, whether they
18 use it or not, they get it for the next year.

19 MR. JEWELL:

20 And as I understand your motion, anyone
21 that doesn't -- most people -- Commissioner
22 Gollott is correct. Most people that are in the
23 industry that are traditional oyster harvesters
24 have already purchased their license. And you
25 heard a couple of the fishermen say that. Most

1 Louisiana where they didn't actually do a
2 moratorium. Basically, they said, you have one
3 month to buy your license, and if you didn't buy
4 it in that month, then you didn't have a license
5 for the year. But they later determined that that
6 was, so to speak, unconstitutional. So I just
7 don't want us to step off into something like
8 that.

9 I'm all for trying to capture the effort
10 that we have now and not let it increase, so if we
11 do it correctly --

12 MR. JEWELL:

13 So the answer to the license sales, I
14 don't know that actual number right now, but
15 traditionally, we sell just over 200 licenses,
16 somewhere between 200 and 300 licenses a year.

17 I think the more accurate way to measure
18 that, because we have individuals that buy a
19 license that they don't traditionally harvest on
20 that license, they just buy them because they have
21 bought them historically every year. We have
22 people that buy a license that harvest very low
23 numbers. We have people that have mechanical
24 issues or crew issues that prevent them from
25 harvesting at all.

1 people have purchased their license.

2 But if someone hasn't purchased their
3 license, my understanding, the way the motion
4 reads, that they would be able to appeal that.
5 They would be able to come to the Executive
6 Director, or if they found no relief, they could
7 come before the Commission on Marine Resources and
8 appeal that.

9 COMMISSIONER GOLLOTT:

10 Okay. Anybody else? Do I have a second
11 on the motion for the moratorium?

12 MR. HARMON:

13 Mr. Chairman, I'll second that.

14 COMMISSIONER GOLLOTT:

15 We have a motion. It's been seconded.
16 All those in favor say "aye."

17 (All in favor.)

18 COMMISSIONER GOLLOTT:

19 Opposed?

20 Motion carries.

21 Okay. We're going to the next motion.

22 COMMISSIONER DRUMMOND:

23 Excuse me, Richard. We have gone to 15
24 sacks?

25 COMMISSIONER GOLLOTT:

1 No. We're fixing to do that. That's in
2 the second motion.
3 I just have a comment. And I've heard
4 several people say that you'll take one spot, and
5 just wear it out, and there won't be any oysters
6 left. That's not really true. If a fisherman
7 gets down to where he can't catch a good amount of
8 three-inch oysters, he's going to leave all the
9 under three-inch size there. He's going to move
10 to another area. I think that will take care of
11 itself. Do you understand what I'm saying?
12 MR. JEWELL:
13 And I do note that the Commission is
14 delegating the authority to the Executive Director
15 to close specific reefs or areas.
16 COMMISSIONER GOLLOTT:
17 Okay. Is there anything else we need to
18 put in there for safeguards for the Director that
19 you can think of?
20 DIRECTOR MILLER:
21 Joe, can you read the motion?
22 MR. JEWELL:
23 The motion to leave open Areas 1-B, 2-A,
24 2-B, 2-D, 2-E, 2-F, with a daily sack limit of 10
25 for tongers and 15 for dredgers until 42,000 sacks

1 of the market size oysters have been harvested.
2 The Commission gives the authority to the
3 Executive Director to close reefs, areas or the
4 season as soon as the 42,000 sacks have been
5 harvested.
6 COMMISSIONER DRUMMOND:
7 We ought to think about one other thing,
8 reducing the 42,000 sacks, because they only can
9 get 15 a day, rather than 20. Should we do that?
10 MR. JEWELL:
11 The Commission absolutely can consider
12 that.
13 COMMISSIONER BOSARGE:
14 Could we do it instead of -- in an effort
15 to try to get into a management plan of some type
16 or another, instead of stating 42,000 sacks, can
17 we say 40 percent or whatever? In other words, I
18 think the total is 86,000 sacks of harvestable
19 oysters, which that's about 50 percent. Try to
20 get it -- let's try to ease towards a management
21 plan at some point in time.
22 COMMISSIONER GOLLOTT:
23 Well, that's what we're attempting to do,
24 is a management plan. I think it was 92, wasn't
25 it, Joe, the last meeting?

1 MR. JEWELL:
2 The last meeting, the number -- it's a
3 variation. On the low end, it's about 86. On the
4 upper end, it's about 92, is what the data that
5 Dr. Lucas presented to the Commission. So either
6 one of those figures, some percent.
7 I think the number that's being presented
8 in the motion is somewhere towards 50 percent.
9 The Commission certainly can reduce that number or
10 increase it. It's the prerogative of the
11 Commission. Mr. Drummond?
12 COMMISSIONER DRUMMOND:
13 I didn't hear you, Joe.
14 MR. JEWELL:
15 I said, it's the prerogative of the
16 Commission to set that number. You can certainly
17 reduce it or you can increase it.
18 COMMISSIONER BOSARGE:
19 Or just restate it as 50 percent of the
20 harvestable oysters, market --
21 MR. JEWELL:
22 The market size oysters, and that being
23 the 92,000 figure?
24 COMMISSIONER GOLLOTT:
25 Well, our fishermen only harvested 28,000

1 sacks last year. Is that correct?
2 MR. JEWELL:
3 The actual number was 20,055 sacks.
4 COMMISSIONER GOLLOTT:
5 So that's half of this. I, personally,
6 don't think they'll reach this. What are we going
7 to do when we try to get a million sacks out
8 there? I think we're trying to split hairs here.
9 50 percent doesn't bother me, if that will make it
10 more palatable.
11 MR. JEWELL:
12 The overall staff's recommendation or the
13 presentation that you heard by Mr. Gordon and
14 Dr. Lucas's last presentation was to try and to
15 present a sustainable harvest. We were not
16 necessarily trying to direct the Commission to one
17 specific model. What the staff and Dr. Lucas was
18 trying to present to the Commission was to try and
19 move us in the direction of adopting a sustainable
20 harvest. That's what we were trying to do.
21 And I hear the Commission trying to
22 direct us in that, also.
23 COMMISSIONER BOSARGE:
24 I hate to see the conflict between us up
25 here, but that's my point. Where is this going to

1 move us towards a sustainable harvest? Where --
2 how does -- show me the signs that -- and,
3 Richard, I'm not pointing the finger at you, but
4 show me the signs that says that what you want to
5 do here is going to help us right now, but is also
6 going to help us in the future.

7 COMMISSIONER GOLLOTT:

8 Well, the science is, you are leaving 100
9 percent of the small oysters out there under three
10 inches and 50 percent of the three-inch oysters.
11 You've got to start somewhere. And the science
12 is, the model that Louisiana has been using for
13 four years now, and what it points to, and we hope
14 to do the same thing in Mississippi with the
15 model.

16 But leaving all these oysters out there
17 to die or take a chance, the fishermen make a
18 living on these things. That's what it's all
19 about.

20 MR. JEWELL:

21 I want to make one point. I don't
22 necessarily see this as a conflict. I think
23 there's always room for open discourse or
24 conversation between the Commission and the staff.
25 I absolutely don't see this as a conflict.

1 that there's some discourse or some variation that
2 we have to find a solution for is, what's that
3 number that's going to make it right now for the
4 fishermen and going to make it right for next year
5 and the future.

6 COMMISSIONER ZIMMERMAN:

7 And I would agree, yes. You know, we had
8 three fishermen stand up and say 10 sacks is
9 plenty, and we put 15, and I won't vote for that
10 because of that. We had three men just ask us to
11 go at 10, and we went at 15, and I disagree with
12 it because of that. I think Steve does, also.

13 MR. JEWELL:

14 But I hear the Commission, you all have
15 the opportunity now to address that. You all have
16 the opportunity to compromise. You all have the
17 opportunity to work with one another and find some
18 resolution to that.

19 But I think we're all on the same page.
20 We're all working from the same script. We all
21 agree that the resource is depleted, that we all
22 have to work together to find a solution for the
23 future.

24 COMMISSIONER BOSARGE:

25 I guess me, it's like you said, Joe, we

1 I think what I'm hearing the Commission
2 say this morning is that they understand the
3 resource. They understand the condition of the
4 resource. I'm hearing that from all of the
5 Commissioners this morning.

6 I think the Commission considers things
7 that the staff necessarily doesn't. And you've
8 heard the comments from the fishermen this
9 morning. And the Commission -- the fishermen
10 approach this from a very different perspective.
11 This is their livelihood. This is how they make
12 their living. They pay bills. They have to
13 support their children, their families. So the
14 Commission has to consider that.

15 Now, what I'm hearing the Commission this
16 morning consider, I think you all are on board
17 with the science. You all understand that at
18 some point, we have to adopt some sort of
19 sustainable condition or model. I think we are
20 all on that boat. We all understand that.

21 I think what you all are trying to do
22 this morning is find some equitability, some
23 compromise between that resource and making it
24 right for the fishermen this year.

25 So the only thing I think in the motion

1 had how many, twenty-something thousand sacks?
2 MR. JEWELL:

3 We had 20,055 sacks that were harvested
4 last year.

5 COMMISSIONER BOSARGE:

6 I just can't understand how if we had
7 20,000 sacks harvested last year, and the
8 resources aren't any better than they were last
9 year, how can we put a 42,000 number up there?

10 COMMISSIONER GOLLOTT:

11 Well, wait a minute. Nobody said the
12 resources are not better than they were last year.
13 There's no scientific evidence on that. We may be
14 a hundred percent better.

15 COMMISSIONER BOSARGE:

16 I disagree. The information that was
17 presented to us at the last Commission meeting by
18 Scott Gordon showed our reefs in worse shape this
19 year than they were last year.

20 COMMISSIONER GOLLOTT:

21 Not if we've got 92,000 sacks out there.

22 I think we've beat this horse to death.

23 Can I get a second on my next motion on the
24 season?

25 COMMISSIONER DRUMMOND:

1 COMMISSIONER GOLLOTT:
 2 No.
 3 COMMISSIONER DRUMMOND:
 4 I don't want to do that.
 5 COMMISSIONER GOLLOTT:
 6 Okay.
 7 COMMISSIONER DRUMMOND:
 8 I'm sorry. I vote no.
 9 COMMISSIONER GOLLOTT:
 10 How about you, Ron? You want to go for
 11 10 or 15 sacks?
 12 MR. HARMON:
 13 I want 15. That was the motion that I
 14 was looking at.
 15 COMMISSIONER GOLLOTT:
 16 How do we straighten this out now?
 17 MR. JEWELL:
 18 Well, for clarification purposes, why
 19 don't you let me read the friendly amendment
 20 motion as it was made by Commissioner Zimmerman.
 21 Sandy, is that -- let me read the motion for the
 22 Commissioners, and you can take your roll call
 23 vote.
 24 Motion to leave open 1-B, 2-A, 2-B, 2-D,
 25 2-E, 2-F with a daily sack limit of 10 for

1 tongers, 10 for dredgers until 35,000 sacks of the
 2 market size oysters have been harvested. The
 3 Commission gives the authority to the Executive
 4 Director to close reefs, areas or the season as
 5 soon as the 35,000 sacks have been harvested.
 6 That's the friendly amendment that has
 7 been made by Commissioner Zimmerman and seconded
 8 by Commissioner Bosarge.
 9 COMMISSIONER GOLLOTT:
 10 Let me roll call again. I'll start.
 11 Richard votes no on that friendly amendment.
 12 Shelby?
 13 COMMISSIONER DRUMMOND:
 14 Shelby votes no.
 15 COMMISSIONER GOLLOTT:
 16 Ron?
 17 MR. HARMON:
 18 I vote no.
 19 COMMISSIONER GOLLOTT:
 20 Steve?
 21 COMMISSIONER BOSARGE:
 22 Aye.
 23 COMMISSIONER GOLLOTT:
 24 And Ernie?
 25 COMMISSIONER ZIMMERMAN:

1 Aye.
 2 COMMISSIONER GOLLOTT:
 3 Motion carries with 15 sacks for
 4 dredging. Okay. It's denied. And then you can
 5 read that motion again. How does that work?
 6 MR. JEWELL:
 7 The friendly amendment motion failed. It
 8 reverts back to the original motion, which is the
 9 motion to leave open Area 1-B, 2-A, 2-B, 2-D, 2-E,
 10 2-F with a daily sack limit of 10 for tongers, 15
 11 for dredgers until 35,000 sacks of the market size
 12 oysters have been harvested. The Commission gives
 13 the authority to the Executive Director to close
 14 reefs, areas or the season as soon as the 35,000
 15 sacks have been harvested.
 16 COMMISSIONER GOLLOTT:
 17 Okay. We have a motion, a second. All
 18 those in favor say "aye."
 19 (Aye votes.)
 20 COMMISSIONER GOLLOTT:
 21 Opposed?
 22 COMMISSIONER BOSARGE:
 23 Opposed.
 24 COMMISSIONER ZIMMERMAN:
 25 Opposed.

1 COMMISSIONER GOLLOTT:
 2 Motion carries. Let's move on.
 3 MS. CHESTNUT:
 4 I need a clarification on the moratorium
 5 motion. I'm sorry to go back to this, but the
 6 moratorium is effective for license sales as of
 7 yesterday or the end of today?
 8 MR. JEWELL:
 9 Today.
 10 MS. CHESTNUT:
 11 The end of today.
 12 MR. JEWELL:
 13 If there are no further questions, that
 14 concludes the presentation from Marine Fisheries.
 15 COMMISSIONER GOLLOTT:
 16 Okay. Next, we have Coastal Resource
 17 Management, Mr. Jan Boyd.
 18 MR. BOYD:
 19 Good morning, Mr. Chairman,
 20 Commissioners, Director Miller, legal.
 21 We have five action items on the agenda
 22 for your consideration this morning, and Willa
 23 Brantley will be presenting the first one.
 24 COMMISSIONER GOLLOTT:
 25 Willa, would you mind if we took a break?

1 where we wanted it to go. And that concrete came
 2 from the Bay St. Louis Highway 90 bridge. And
 3 I've been told that that's creating some scouring
 4 effect on that Bayou Caddy, mouth of Bayou Caddy.
 5 One of my concerns is, if we do this
 6 project and we get scouring, is there a remedy for
 7 that? Do we have money to fix it? Along shore
 8 scouring is one of the things I've been concerned
 9 about.
 10 So I just wanted to get on the record
 11 that I'm opposed -- probably, it's not going to
 12 make any difference, I understand that -- but I
 13 just would be remiss if I didn't get up here and
 14 at least say some of the objections I've been
 15 saying all along still remain.
 16 So with that, I'll --
 17 COMMISSIONER ZIMMERMAN:
 18 Chris, I would like to tell you that most
 19 of your questions, I've asked. I've spent a lot,
 20 a lot of time on this project, actually met with
 21 engineers and all last week. And I have -- being
 22 from Hancock County, I have the same concerns.
 23 The scouring is one thing I hadn't asked. And as
 24 you mentioned, it is happening at Bayou Caddy.
 25 You can almost drive a boat behind the rocks that

1 was supposed to build land, and it's going the
 2 opposite effect.
 3 I did ask the question about followup,
 4 are we going to followup behind these projects,
 5 and I've been told yes. So my hope is that the
 6 answer is an honest answer to me, and that they
 7 will be watching this, so if it is doing something
 8 wrong, they can correct it before it gets bad. So
 9 that's where I'm at. Thank you for your time.
 10 COMMISSIONER DRUMMOND:
 11 Chris, you say you like the project, but
 12 you don't think it's big enough.
 13 MR. LAGUARD:
 14 That sounds unusual, doesn't it? That
 15 sounds unusual, coming from me, if you know
 16 anything about me.
 17 COMMISSIONER DRUMMOND:
 18 It does. So don't you want them to try
 19 it anyway?
 20 MR. LAGUARD:
 21 Once we put those rocks down, they're not
 22 going to come up.
 23 I believe we could have stepped offshore
 24 a little bit further. I don't know what the
 25 historic loss is there, but I'm sure it's greater

1 than what we're going to rebuild.
 2 COMMISSIONER DRUMMOND:
 3 You can remove the rocks at a future
 4 time.
 5 MR. LAGUARD:
 6 That's true, but I don't see that
 7 happening. I just wish that if we were going to
 8 build it, we would go ahead and build it big.
 9 COMMISSIONER DRUMMOND:
 10 How do you know that won't happen?
 11 MR. LAGUARD:
 12 Well, because of the money. It would be
 13 extremely difficult to justify getting the money
 14 to move the rocks that we put down if the project
 15 doesn't work the way it's going to work. I think
 16 it will work.
 17 COMMISSIONER DRUMMOND:
 18 Have you spent the whole \$50 million?
 19 MR. LAGUARD:
 20 Well, it's going to be spent. I mean,
 21 you start putting down that large armor stone, it
 22 doesn't take long. Plus, you've got the engineers
 23 and the consultants that are being paid to design
 24 it. So \$50 million sounds like a lot, and it is a
 25 lot, but it's -- once you put that rock down, I

1 would suggest it's going to stay.
 2 I would like to get money to move that
 3 rock that the bridge company put down and try to
 4 put it where it needs to be. Not the rock, the
 5 concrete that's stuck at the mouth of Bayou Caddy
 6 because that was a -- we can talk about that
 7 later, but -- that concrete, in my estimation,
 8 ought to be replaced somewhere.
 9 COMMISSIONER ZIMMERMAN:
 10 Just to give a little history to you
 11 about this. In 2007, when we -- the Jailhouse
 12 Reef in front of Buccaneer, Lighthouse Point was
 13 where we asked EMR to set those rocks. We
 14 collected those rocks in Bay St. Louis on the
 15 American Legion Pier, and DMR, Kerman Cuevas, who
 16 was over the rocks at that time was putting them
 17 out.
 18 And that's where our first point from CCA
 19 Bay Chapter, we asked Lighthouse Point to put
 20 those rocks, and we couldn't get it permitted at
 21 the time so it went in front of Buccaneer Park.
 22 MR. LAGUARD:
 23 The rocks I'm talking about are the ones
 24 right off of Bayou Caddy that actually came from
 25 the Bay Bridge. We caught them crushing concrete

1 that they wasn't supposed to be crushing, and
 2 frankly, they were mad at us. And MDOT made them
 3 move that material, the bridge. And they just put
 4 it haphazard at the mouth of the -- and if you've
 5 been to the mouth of Bayou Caddy, you know what
 6 I'm talking about. You look out there and you
 7 say, what in the world were they trying to do?
 8 Well, that's what happened. They were mad. And
 9 they just put it down helter-skelter at the mouth
 10 of Bayou Caddy, not at Jailhouse.
 11 COMMISSIONER ZIMMERMAN:
 12 Thank you, Chris.
 13 COMMISSIONER GOLLOTT:
 14 We have a recommendation from the staff.
 15 Do we have a motion on this recommendation?
 16 COMMISSIONER BOSARGE:
 17 I'll make a motion we accept the staff's
 18 recommendation and approve the permit.
 19 COMMISSIONER GOLLOTT:
 20 Do we have a second?
 21 COMMISSIONER ZIMMERMAN:
 22 I'll second.
 23 COMMISSIONER GOLLOTT:
 24 All right. We have a motion and a
 25 second. All those in favor say "aye."

1 (All in favor.)
 2 COMMISSIONER GOLLOTT:
 3 Opposed?
 4 Motion carries. Thank you.
 5 MS. BRANTLEY:
 6 Thank you.
 7 MR. CHRISTODOULOU:
 8 Good morning, Commissioners, Director
 9 Miller, Sandy. This is a Request For Permit
 10 Modification by Diamondhead. It's on Paradise
 11 Bayou, which is the main canal that leads to the
 12 Diamondhead Marina. It's in the General Use
 13 District. And the agent is Anchor QEA.
 14 I gave part of this presentation last
 15 Commission meeting. The description of the
 16 project is, this is a thin layer disposal project.
 17 Basically, what it is, is putting dredge material
 18 into a slurry. And this material will be pumped
 19 over approximately 30 acres of adjacent tidal
 20 marsh and the adjacent material will range from
 21 three to six inches. That's going to be the wet
 22 thickness of the material.
 23 Here's a diagram or over aerial of the
 24 areas, the Diamondhead exit. This is the southern
 25 part of Diamondhead. Here's the marina right

1 here.
 2 And here is a diagram. Originally, the
 3 project was supposed to be in upland disposal, and
 4 that could still be a possibility.
 5 At this time, the beneficial use statute
 6 was very new, and since this was not public trust
 7 tidelands or state-owned water bottoms, they did
 8 not have to go beneficial use with this material.
 9 The current proposal is to broadcast the
 10 material in this area along the marsh area. And
 11 here's a look out over that marsh area.
 12 And the last Commission meeting, the
 13 Commission asked me to contact some other states
 14 and do a little more follow-up with some of the
 15 projects that they have had in other states doing
 16 this same method of material.
 17 And one that I came across was an area,
 18 and this is in Delaware. And just for a point of
 19 reference, this was a project that was done by the
 20 state of Delaware to place this material in a
 21 couple of different areas. This red area was a
 22 demonstration area. It was taking place in the
 23 winter of 2013. And then another area, a larger
 24 area was done just to the east as a continuation
 25 in the fall of '13.

1 And one of the things that I wanted to
 2 show you -- and this is the most recent aerial
 3 image that I have. And I don't know, it may show
 4 better on some of these other monitors, but you
 5 can see this area has filled in very nicely. It's
 6 a pretty green area. I don't know if the photos
 7 that you have show that. But you can see this is
 8 just two growing seasons since the -- the
 9 placement of that material on that marsh. And
 10 this is Delaware, which has a much shorter growing
 11 season than our area.
 12 So I will get to the decision factors
 13 now. The project is a cost-effective method for
 14 disposal of dredged material. And this will also
 15 be a test project. So this is just a test
 16 project. Like I said, if, for some reason, it
 17 does not work, you will probably never see another
 18 one. So if the project results are found to be
 19 successful, what this can open up for, is it can
 20 open up a large number of sites that can be used
 21 for beneficial use throughout the Mississippi Gulf
 22 Coast. And the project is allowable within the
 23 General Use District.
 24 Two variances were required for this
 25 project. The first is that areas containing

1 submerged aquatic vegetation or regularly flooded
 2 emergent vegetation shall not be used for dredge
 3 material disposal and permanent upland disposal
 4 sites or deepwater disposal sites shall be used in
 5 preference to coastal wetland disposal.

6 Justification for the project for the
 7 variances was that this is for long-term
 8 enhancement and preservation of the marsh. Marsh
 9 can eventually subside and erode, deteriorate.
 10 It's dependent on having sources of material come
 11 into them through floods, through storms and
 12 material being deposited in there to maintain
 13 those elevations. Over the long-term, if those
 14 inputs are not there, you lose that marsh.

15 Also, since this -- if you notice -- and
 16 I'll go back to the site, itself. You'll notice
 17 that back in probably the '50s or '60s, this canal
 18 was cut right through this area. So one of the
 19 inputs for sediment at this location was lost
 20 because there's no longer a connection to this
 21 upland area. So those were the justifications for
 22 the variances.

23 Now, the project will set a precedent by
 24 allowing dredge material to be placed in marsh
 25 areas, but this methodology of disposal of dredge

1 material has been used in other states. It's been
 2 used in Alabama, Louisiana, North Carolina and
 3 Delaware, so both in the Gulf of Mexico and the
 4 Atlantic.

5 There will be a short-term decrease in
 6 plant density and decrease and displacement of
 7 benthic organisms, but the long-term expectation
 8 is that plant density will increase or at least
 9 return to pre-placement conditions.

10 The full extent of the project, the
 11 maintenance dredging is approximately 9,000 cubic
 12 yards of material on that main canal, and then to
 13 dispose of that material in a three to six-inch
 14 layer on the 30 acres of adjacent marsh.

15 This material will be tested prior to it
 16 being placed, just as any beneficial use material
 17 would be. There is a contingency plan in place.
 18 DMR staff will be present, myself, and likely,
 19 Jarrod Harris, with our beneficial use coordinator
 20 will be on-site as this work is being done.

21 And the contingency plan is, if they have
 22 areas that exceed nine inches of elevation when
 23 they spray this, they will pump water from the
 24 canal to flatten out and disperse those areas down
 25 to the recommended elevations.

1 Also, there is a monitoring plan to
 2 monitor the elevations of this area and to monitor
 3 the plant density and growth following the
 4 project.

5 The alternative site is the previously
 6 authorized upland location, which can still be
 7 used. Beneficial use, again, is not required for
 8 this project, and also, there are no beneficial
 9 use sites in Hancock County at this time.

10 Maintenance dredging requires a
 11 waterfront location and dredge material disposal
 12 does not.

13 The initial material placement will cause
 14 a temporary impact to scenic qualities, but those
 15 qualities will improve gradually as the plants
 16 recover and new growth fills in.

17 Public notice was placed in both
 18 Sun/Herald and Sea Coast Echo, and we received no
 19 public comments.

20 DEQ is reviewing the project. Archives
 21 and History has no reservations. And the
 22 Secretary of State's office has no issues, as it
 23 is a test case, and wants the monitoring in place.
 24 Wildlife Management and Parks has recommended that
 25 Best Management Practices be utilized.

1 And based on our review, the staff
 2 recommends the Commission approve the applicant's
 3 variance and modification requests with the
 4 following conditions:

5 That, one, the material is suitable for
 6 beneficial use.

7 That the contingency measures outlined be
 8 followed, should the material exceed the allowed
 9 thickness.

10 That staff is present when this project
 11 is taking place and the monitoring requirements
 12 are followed, and then I will present those
 13 monitoring results each year to the Commission and
 14 Water Quality Certification from DEQ.

15 And, Mr. Wendell Mears, from Anchor is
 16 here, and for the Commissioners who were here last
 17 time, he did a short presentation about the thin
 18 layer process. If you would like to see that
 19 again, he can go through that or --
 20 COMMISSIONER GOLLOTT:

21 I don't think that's necessary, unless
 22 someone wants to see it. I asked you last meeting
 23 to go back and make sure that this was -- what he
 24 was telling us was correct, and you've come back
 25 and --

1 MR. CHRISTODOULOU:
 2 I've checked. I've contacted people in
 3 Louisiana, and then the study in Delaware, so --
 4 it's very frequently done in Louisiana.
 5 COMMISSIONER GOLLOTT:
 6 Thank you. We have a staff's
 7 recommendation. Do we have a motion?
 8 COMMISSIONER ZIMMERMAN:
 9 I'll make that motion, Mr. Chairman.
 10 COMMISSIONER GOLLOTT:
 11 We have a motion. Do we have a second?
 12 COMMISSIONER BOSARGE:
 13 So second.
 14 COMMISSIONER GOLLOTT:
 15 All those in favor say "aye."
 16 (All in favor.)
 17 COMMISSIONER GOLLOTT:
 18 All opposed?
 19 Motion carries. Thank you.
 20 MR. PICKERING:
 21 Good morning. My name is Chris
 22 Pickering. I will be presenting two items to you
 23 today.
 24 The first is a request for a permit
 25 extension by City of Pascagoula. It's located

1 just waterward of the existing seawall on Beach
 2 Boulevard in Pascagoula, Jackson County,
 3 Mississippi. It is in the General Use District,
 4 and the agent is BMI Environmental Services.
 5 The applicant is requesting a three-year
 6 extension of the permit. What was previously
 7 permitted was a concrete pedestrian pathway
 8 measuring 10,500 feet by ten feet in width, and it
 9 was approximately 2.4 acres of fill.
 10 A variance to Chapter VIII, Section 2,
 11 Part III.0.1, which states that "Permanent filling
 12 of coastal wetlands because of potential adverse
 13 and cumulative environmental impacts is
 14 discouraged."
 15 And here's a diagram of the sidewalk
 16 basically going along the beach. Here's an
 17 aerial. You have I-10, Highway 90, Market Street,
 18 coming down to Beach Boulevard in Pascagoula. And
 19 here's the zoomed in aerial. Basically, this is
 20 approximately where the sidewalk starts and it
 21 runs all the way to the end of the beach.
 22 On August 18, 2010, a Permit Application
 23 was submitted to DMR with an Environmental Impact
 24 Assessment and a Request For Variance.
 25 On October 19th, 2010, the Commission

1 approved the Permit Application.
 2 On September 11 of 2015, DMR received a
 3 request for a three-year extension of the permit.
 4 The staff of the Department of Marine
 5 Resources has conducted a thorough evaluation and
 6 recommends approval of the three-year extension
 7 request.
 8 Any questions?
 9 COMMISSIONER GOLLOTT:
 10 With no questions, do we have a motion?
 11 COMMISSIONER DRUMMOND:
 12 Mr. Chairman, I'll make a motion we
 13 accept this application request.
 14 COMMISSIONER GOLLOTT:
 15 Mr. Drummond has made a motion. Do we
 16 have a second?
 17 COMMISSIONER BOSARGE:
 18 I'll second the motion.
 19 COMMISSIONER GOLLOTT:
 20 A motion and second. All those in favor
 21 say "aye."
 22 (All in favor.)
 23 COMMISSIONER GOLLOTT:
 24 Opposed?
 25 Motion carries.

1 MR. PICKERING:
 2 Next up is a request for After-the-Fact
 3 Waiver. It's a violation by Michael Davis,
 4 DMR-140348. It's located on St. Louis Bay at 311
 5 Sandy Hook Drive in Pass Christian, Harrison
 6 County, Mississippi. It is in the General Use
 7 District, and the agent is A Step Above Marine
 8 Contractors.
 9 Here's an aerial, Highway 90, Bay St.
 10 Louis, and the yellow thumb tack is the property.
 11 A zoomed in aerial, this is where the pier will be
 12 coming out. Well, it's already built now.
 13 Before, what was permitted was a
 14 bulkhead, 106 linear feet. And here's all the
 15 structures for the piers that were permitted, and
 16 the total square footage for the permitted
 17 structures was 980 square feet.
 18 Existing there now, the total square
 19 footage is 1,115 square feet. And there is a new
 20 proposed pier that's 30-by-10, and another
 21 triangular shaped pier that's proposed, 7-by-8
 22 feet. The new proposed total square footage will
 23 be 1,143 square feet.
 24 This is the diagram of what was permitted
 25 before, and this is the existing structures, along

1 with the proposed. Most of it was built in the
 2 same -- kind of the same footprint, just a little
 3 bit bigger. There was some added on areas, and,
 4 of course, the new additional pier.
 5 Here's a picture of what is existing.
 6 On August 4, 2014, a general permit was
 7 issued to the applicant totalling 872 square feet.
 8 On June 18th, 2015, a GP modification was
 9 issued to the applicant totalling 980 square feet.
 10 On August 6, 2015, DMR received an
 11 application proposing a modification to existing
 12 permit to construct an additional 30-by-10 foot
 13 pier.
 14 On September 2nd, the staff conducted a
 15 site visit and measured the existing structures.
 16 The existing structures were out of compliance
 17 with the previously issued GP modification, and
 18 the square footage exceeded the amount allowed
 19 under a GP.
 20 On September 11th, the applicant and
 21 agent were notified that an after-the-fact
 22 application would be required.
 23 On October 7th, DMR staff received that
 24 after-the-fact application for existing
 25 structures.

1 So this was our recommendation. Staff
 2 has conducted a thorough evaluation, and because a
 3 certificate of waiver would have been issued had
 4 an application been submitted prior to
 5 construction, recommends that the Commission
 6 approve the applicant's request for after-the-fact
 7 authorization.
 8 Staff also recommends that a fine be
 9 issued to the agent in accordance with Mississippi
 10 Code 49-27-51.
 11 The violation was discovered on September
 12 2nd, 2015, and the duration was 35 days. The
 13 maximum fine is \$17,500, and the staff is
 14 recommending a fine issued to the agent, A Step
 15 Above Marine Contractors, in the amount of \$500.
 16 The agent constructed the structures out
 17 of compliance with the previous permit. The agent
 18 is familiar with the permitting process.
 19 The applicant has been very cooperative
 20 throughout the after-the-fact permitting process.
 21 Any questions?
 22 COMMISSIONER GOLLOTT:
 23 Anyone have any questions or want to make
 24 a comment?
 25 COMMISSIONER DRUMMOND:

1 I'd like to make a comment that he
 2 exceeded the footage required or requested, and we
 3 are only fining him \$500, and the potential fine
 4 is \$17,500.
 5 I make a motion that we make the fine --
 6 up the fine to \$1,000.
 7 COMMISSIONER BOSARGE:
 8 And the question I had was on the
 9 overages, it appears to me that on one of them, it
 10 was basically the overhang of the roof that
 11 exceeded the permit specifications?
 12 MR. PICKERING:
 13 Yes. The gazebo area with the covered
 14 roof was built, I believe, a little over a foot
 15 wider and longer than it was supposed to.
 16 COMMISSIONER BOSARGE:
 17 Was it built a foot wider and foot longer
 18 or was the actual -- what you would say the eaves
 19 of it --
 20 MR. PICKERING:
 21 It was the overhang, yes.
 22 COMMISSIONER BOSARGE:
 23 The overhang. In other words, I guess
 24 when somebody laid it out, they didn't think about
 25 an overhang?

1 MR. PICKERING:
 2 That's possibly what happened.
 3 COMMISSIONER BOSARGE:
 4 Was that the case on the other structure,
 5 the boathouse?
 6 MR. PICKERING:
 7 Well, there was a pier that was built
 8 three feet longer, and I believe a foot wider, so
 9 that put quite a bit extra square footage on that,
 10 because it was a 33-by-10 foot pier. It was
 11 supposed to be 30-by-8. And then there was a pier
 12 added between the gazebo and the boathouse that
 13 added some more on too.
 14 COMMISSIONER GOLLOTT:
 15 But to reinforce Shelby's motion, this is
 16 a contractor who knew what he was doing or should
 17 have known what he was doing, so --
 18 If nothing further, we have a motion. Do
 19 we have a second?
 20 MR. HARMON:
 21 I second that motion, Mr. Chairman.
 22 COMMISSIONER GOLLOTT:
 23 We have a motion and a second. All those
 24 in favor, say "aye."
 25 (All in favor.)

1 COMMISSIONER GOLLOTT:
 2 Opposed?
 3 Motion carries.
 4 DIRECTOR MILLER:
 5 Just to be clear, the motion was to take
 6 staff's recommendation to approve the
 7 after-the-fact permit but increase the fine to
 8 \$1,000?
 9 COMMISSIONER GOLLOTT:
 10 That's the way I understood it. Is that
 11 right, Shelby?
 12 COMMISSIONER DRUMMOND:
 13 That's correct.
 14 COMMISSIONER GOLLOTT:
 15 Thank you.
 16 MR. AKINS:
 17 My name is Autry Akins, and up for
 18 consideration today is a request for
 19 after-the-fact waiver by Mr. Elmore, Sr. It is
 20 also a violation for an unpermitted structure. It
 21 is located on the Tchoutacabouffa River, at 2344
 22 North Country Club Lane in Biloxi, Harrison
 23 County, also in the General Use District.
 24 There is an aerial of Mr. Elmore's
 25 location. As you can see, southeast of I-10,

1 General overview of the Elmore's
 2 property. And, again, here is a photo of the two
 3 pylon lift and the L-shaped pier structure. And,
 4 again, another view.
 5 Pretty straightforward timeline. On the
 6 26th of August, the application was received for
 7 the proposed construction, like I said,
 8 approximately 80 feet of bulkhead, reconstruction
 9 of previously permitted pier.
 10 On the 9th, a site visit revealed an
 11 unauthorized pier, uncovered lift. The applicant
 12 was notified that an after-the-fact application
 13 would be required.
 14 And just the next day, on the 10th of
 15 September, request was made for after-the-fact
 16 authorization of the pier and uncovered lift.
 17 The staff, the DMR has conducted a
 18 thorough evaluation, and because the project would
 19 have been authorized through a Certificate of
 20 Waiver if the application had been properly
 21 submitted, we recommend that the Commission
 22 approve the request and issue a fine in accordance
 23 with 49-27-51.
 24 The violation was discovered on the 3rd
 25 of September. The duration was only two days. So

1 northwest of Popp's Ferry Road. And here is a
 2 closer aerial of the property, itself.
 3 The project description is of a pier and
 4 uncovered boat lift which have been constructed
 5 without a permit. The applicant is also seeking
 6 to construct approximately 80 linear feet of
 7 bulkhead, as well as repair an existing permitted
 8 pier.
 9 General overview, what was existing
 10 pre-2008 was an access pier and finger piers
 11 totalling 1024-1/2 square feet.
 12 What was permitted in 2008 was a covered
 13 boathouse, measuring 24-by-14, at 336 square feet,
 14 and then the unauthorized structures discovered
 15 were piers, uncovered boat lift at approximately
 16 403 square feet.
 17 What is proposed would add no additional
 18 square footage, repair of bulkhead and repair of
 19 existing pier, and that section of pier would be
 20 approximately 30-by-10.
 21 Excuse my graphic design skills, but here
 22 is an overview detailing what is permitted and
 23 unpermitted. As you can see, the L-shaped pier
 24 structure with the uncovered two pylon lift
 25 attached to it on the east.

1 the maximum potential fine would be \$1,000.
 2 We are recommending that a \$500 fine be
 3 issued to the applicant, and that it's based on
 4 that the applicant is familiar with the permitting
 5 process, has obtained permits in the past, and has
 6 been very cooperative throughout the
 7 after-the-fact process.
 8 Any questions?
 9 COMMISSIONER DRUMMOND:
 10 Mr. Chairman, I make a motion that we
 11 reduce the fine to \$250, and go along with the
 12 staff recommendation.
 13 COMMISSIONER GOLLOTT:
 14 Why would you want to reduce the fine?
 15 COMMISSIONER DRUMMOND:
 16 It just doesn't seem like it ought to be
 17 \$500, in that the maximum fine is \$1,000.
 18 COMMISSIONER GOLLOTT:
 19 The applicant had already permitted one
 20 pier, so he knew he had to get a permit to build
 21 this, right?
 22 MR. AKINS:
 23 That would be correct, from what we've
 24 gathered.
 25 COMMISSIONER DRUMMOND:

1 Somebody want to talk about it?
 2 COMMISSIONER GOLLOTT:
 3 The applicant wants to say something.
 4 MR. ELMORE:
 5 I'm speaking on behalf of my father. My
 6 name is Paul Elmore. The contractor at the time
 7 in 2008, he handled getting the permit and
 8 everything.
 9 All the construction that you are seeing
 10 that's not in the original permit, the property
 11 owner was under the impression it was all
 12 permitted.
 13 All the construction took place at the
 14 same time in 2008, and it wasn't until I came up
 15 here three months ago and applied for a bulkhead
 16 permit that anybody was even aware that the
 17 L-shaped pier and the two pylon boat lift was not
 18 under the original permit. So here we are now
 19 getting an after-the-fact permit.
 20 COMMISSIONER GOLLOTT:
 21 Okay. Thank you. Mr. Drummond, would
 22 you like to stay with your motion?
 23 COMMISSIONER DRUMMOND:
 24 Yes.
 25 COMMISSIONER GOLLOTT:

1 Do I have a second?
 2 MR. HARMON:
 3 Mr. Chairman, I'll second that motion.
 4 COMMISSIONER GOLLOTT:
 5 We have a motion and a second, all those
 6 in favor say "aye."
 7 (All in favor.)
 8 COMMISSIONER GOLLOTT:
 9 Opposed?
 10 Motion carries. Thank you.
 11 Next, we've got Office of Finance and
 12 Administration.
 13 MS. WILLIAMS:
 14 Good morning, Commissioners, Director
 15 Miller and Ms. Chestnut. These are the financial
 16 results as of October 31st, 2015.
 17 At the end of October, we had state
 18 revenue of \$4.6 million, and total agency revenue
 19 was \$14.6 million. State net income is
 20 \$1.5 million, and our total agency net income for
 21 this fiscal year is \$8.5 million.
 22 After four months of fiscal year '16,
 23 we're in good shape, from a budget standpoint. We
 24 have 83.6 percent of our operating budget still
 25 remaining and 82.7 percent of our tidelands budget

1 remaining. Any questions?
 2 COMMISSIONER GOLLOTT:
 3 Thank you very much. Okay. I think
 4 we've got Melissa up next.
 5 MS. SCALLAN:
 6 Good morning, Director Miller,
 7 Commissioners, Ms. Chestnut. The Mississippi
 8 Department of Marine Resources was mentioned 86
 9 times in local, state and national media since the
 10 last Commission meeting. The items of particular
 11 interest included oyster season, the closing of
 12 red snapper season in state waters, and the plane
 13 crash in Jackson County.
 14 We also participated in several events in
 15 the last month, including the Jackson County Fair
 16 and the Peter Anderson Festival.
 17 Mississippi Seafood sponsored ten chefs
 18 in the Oyster Cook-off in Gulf Shores, Alabama.
 19 And Ty Thames of Restaurant Tyler in Starkville,
 20 and Ryan Bell of Hal and Mal's in Jackson both won
 21 first place awards.
 22 The Grand Bay NERR hosted 13 events in
 23 the last month, including a field trip they hosted
 24 for the National Estuarine Research Reserve during
 25 its annual meeting. They also participated in the

1 Jackson County Fair and the Peter Anderson
 2 Festival.
 3 Our Marine Patrol Office participated in
 4 several outreach events in the last month,
 5 including the Biloxi Police Department Safety Day,
 6 Career Day at Pass Road Elementary, Jackson County
 7 Conservation Day, and the WJZD Kids' Safety Fair
 8 in Gulfport this past Saturday.
 9 Marine Patrol, so far in fiscal year
 10 2016, has had seven Boat and Water Safety classes
 11 and certified 132 student.
 12 One other thing I want to make you aware
 13 of is that Chief Davis and I worked very closely
 14 together during the plane crash and dealing with
 15 the families, and the media, and the public. And
 16 everybody was complimentary, told me how good of a
 17 job they did, how concerned they were in the
 18 thoroughness of their search. And the families,
 19 the community, the media all complimented them on
 20 their work. So I wanted to let you guys know
 21 that. Any questions?
 22 COMMISSIONER DRUMMOND:
 23 I didn't get to go to the Jackson County
 24 Fair this year. Was DMR present over there?
 25 MS. SCALLAN:

1 Yes, sir. We had a booth for the whole
 2 week.
 3 COMMISSIONER DRUMMOND:
 4 A booth?
 5 MS. SCALLAN:
 6 Uh-huh.
 7 COMMISSIONER DRUMMOND:
 8 And we had DMR's activities?
 9 MS. SCALLAN:
 10 Yes, sir. We had all of our brochures
 11 available, some derelict crab traps, and we had
 12 all of our promotional items available.
 13 COMMISSIONER GOLLOTT:
 14 Thank you, Melissa.
 15 Do we have any other business for this
 16 Commission?
 17 COMMISSIONER BOSARGE:
 18 I just had something I wanted to say.
 19 Melissa, with the plane crash, it's sad that we
 20 haven't recovered the plane and there hasn't been
 21 a recovery.
 22 But I've tried to keep in touch with most
 23 of the fishermen over my way, but come this coming
 24 season, when it opens the season, that's when we
 25 need to really pay attention, because if it's

1 CERTIFICATE OF COURT REPORTER
 2 I, MONICA SCHROEDER, Court Reporter and Notary
 3 Public, in and for the County of Jackson, State of
 4 Mississippi, hereby certify that the foregoing
 5 pages, and including this page, contain a true and
 6 correct transcript of the proceedings as taken by
 7 me at the time and place heretofore stated, and
 8 later reduced to typewritten form by
 9 computer-aided transcription under my supervision,
 10 to the best of my skill and ability.
 11 I further certify that I am not in the employ
 12 of, or related to, any counsel or party in this
 13 matter, and have no interest, monetary or
 14 otherwise, in the final outcome of the
 15 proceedings.
 16 Witness my signature and seal, this the ____
 17 day of _____, 2015.
 18
 19 _____
 20 Monica Schroeder, RPR, CRR, CSR #1285
 21 My Commission Expires July 19, 2019
 22
 23
 24
 25

1 going to be found, that's probably when it will be
 2 found, when one of the fishermen find it. So,
 3 anyhow, we just have to pay attention come this
 4 next opening. Thank you.
 5 COMMISSIONER GOLLOTT:
 6 Okay. I don't think we have any more
 7 public comments. If we do, raise your hand
 8 please. With no other business before this
 9 Commission, do I have a motion to adjourn?
 10 Mr. Drummond, do I have a motion to adjourn?
 11 COMMISSIONER DRUMMOND:
 12 Mr. Chairman, I make a motion we adjourn.
 13 COMMISSIONER GOLLOTT:
 14 Do I have a second?
 15 COMMISSIONER BOSARGE:
 16 So second.
 17 COMMISSIONER GOLLOTT:
 18 All those in favor say "aye."
 19 (All in favor.)
 20 COMMISSIONER GOLLOTT:
 21 Opposed?
 22 Adjourned.
 23 (Meeting concluded at 11:18 a.m.)
 24
 25