COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, November 15, 2016
10:00 a.m.
Jackson County Board of Supervisors Boardroom
2915 Canty Street
Pascagoula, Mississippi 39568

Commission Members:

Richard Gollott, Chairman

Steve Bosarge, Vice Chairman

Ron Harmon

Mark Havard

Jolynne Trapani

Also Present:

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

COMMISSIONER GOLLOTT: Good morning everyone. We would like to welcome everyone to our meeting.

First thing on the agenda is the Pledge of allegiance, and we will ask Jamie Miller to lead us in the Pledge.

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER GOLLOTT: Next we have approval of the minutes.

Do we have any modifications, or a motion to approve?

COMMISSIONER HAVARD: Mr. Chairman, I make a motion that we approve the minutes.

COMMISSIONER BOSARGE: So seconded.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Next we have approval of the agenda.

Do we have a motion, or a modification?

JAMIE MILLER: Chairman, I would like to recommend a modification to the agenda. We've got a need

to go into executive session. It's ongoing litigation, and our attorney, Sandy Chestnut, will brief us on that. We would like to do that, after public comments at the end of the meeting, if possible.

COMMISSIONER GOLLOTT: Do we have a motion on that?

COMMISSIONER BOSARGE: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSION HARMON: I'll second that, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Next we have the Executive Director's report.

JAMIE MILLER: No report.

COMMISSIONER GOLLOTT: Next is Chief Davis, Marine Patrol.

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

You have in front of you the report for the

month of October, the violation report.

The first thing you notice, of course, is oyster violations. We had several of those. Some before legal sunrise. Over the daily limit, we only had two of those.

On page two, we are still having undersize spotted seatrout violations. As of today, we have twenty-five violations, since July the first. We have given some warnings, some courtesy citations. On one, they had one undersize, or two, but these are mainly more than three, four, five, or six, ten-and-a-half to eleven inch speckled trout. We are still getting violations on undersized spotted seatrout.

Courtesy citations for the month, we issued thirty-four. We had five verbal warnings.

Fiscal year 17 to date, a hundred and sixty-four courtesy citations have been handed out.

Also, if you notice the total stops for the month of October, thirty-four hundred and thirty-nine.

Year to date, thirteen thousand eight hundred and thirty-nine stops that the officers have made, since July the first. That is checking pier fishermen and recreational boaters and fishermen in boats. We have had a lot of stops so far this year. Probably above last year's total stops.

We had a couple of boating accidents. One with

minor injury, boat fire, and no injuries on the other boat accident.

Any questions?

COMMISSIONER BOSARGE: I have one question, Rusty.

For spotted seatrout, one fish or ten fish, that's the same fine, I guess?

RUSTY PITTMAN: It is, yes, sir.

What I would like to do, if there are no more questions, is do our presentation on our fiscal year, last year, of our JEA, Joint Enforcement Agreement .

COMMISSIONER GOLLOTT: Can I interrupt you for a second?

RUSTY PITTMAN: Yes, sir.

COMMISSIONER GOLLOTT: I just noticed that we have Senator Mike Seymour at the back of the room.

Would you wave, Mike?

MIKE SEYMOUR: (Indicating.)

COMMISSIONER GOLLOTT: We have Randy Bosarge, District Five Supervisor.

RANDY BOSARGE: Thank you.

COMMISSIONER GOLLOTT: Thank you for being here.

Go ahead, Rusty.

RANDY BOSARGE: Barry is here, Mr. Gollott.

COMMISSIONER GOLLOTT: I'm sorry.

RANDY BOSARGE: Barry Cumbest is here.

COMMISSIONER GOLLOTT: Mr. Barry Cumbest, glad to see you, sir.

RUSTY PITTMAN: Our presentation is on our Joint Enforcement Agreement for last year.

Cooperative Law Enforcement Mission Statement, I'm not going to read this, but this is a statement for the law enforcement divisions of the Gulf states, Florida, Alabama, Mississippi, Louisiana and Texas and this is our mission statement.

For the year, we had two thousand forty-four man hours dedicated to enforcement of Federal fishery regulations. Eight hundred and ninety-four vessel hours dedicated to inshore, midrange and offshore patrols. These resulted in one hundred and ninety-one commercial contacts and seven hundred and ninety-seven recreational contacts.

Fishery violations, the first is our State, and we had forty-two violations that were issued for various offences: possession of red snapper during closed season, possession of undersized red snapper, and possession of trigger fish during closed season.

Federal violations, we had possession of prohibited species which was the Dusky Shark that was entered in a rodeo and the weigh master happened to be

Buck Buchannan, retired from DMR, and he called one of the officers over there to handle that case. That was referred to NOAA. Illegal turtle excluder devices and no Federal shrimping permit.

This is a picture of red snapper during closed season. Chief Davis was on the boat. It was a JEA patrol. They came up on the fisherman as he was trying to get rid of the fish which all of them floated. Chief Davis helped in retrieving them and putting them onboard the boat.

The Dusky Shark is in the picture on the left, and the turtle excluder device, the illegal device, you can see the chain on the flap and it was tied down. The Captain of this boat was stopped two weeks later with the same violation. NOAA is handling that case.

The picture coming up is of our newest offshore vessel that we bid out and Silver Ships of Mobile, Alabama, built it for us. It is forty-one feet. It is powered by three three-hundred-and-fifty horsepower Mercury motors. The funding for the purchase came through NOAA through the Joint Enforcement Agreement. It is outfitted with the newest up-to-date electronics. It will accommodate a crew of up to six officers.

The pictures are when it was on sea trial. It wasn't completely finished, on the interior part, with all

the seats, but, as you can see, we are very proud of this boat. We do have an intercom system where the officers have headsets, wireless, and the range is up to twelve hundred feet. Once we drop a boarding crew off on a shrimp boat and back off, they are still in contact with the officers on the patrol vessel.

Marine Patrol's continued success: continued funding from NOAA through the Joint Enforcement Agreement, continued patrols in the Exclusive Economic Zone for Federal fishery compliance, and continued strong partnerships with Federal and State partners.

Any questions?

(No response.)

COMMISSIONER GOLLOTT: Thank you very much, Rusty.

RUSTY PITTMAN: Thank you.

JAMIE MILLER: I would like to remind everybody if you want to make public comments, please fill out one of the sheets, and, then, bring it up to the dyesss here.

If you will, if there is a specific item on the agenda you would like to speak to, make sure that you list that agenda item on the public comments page.

Thank you.

COMMISSIONER GOLLOTT: Next we have Mr. Joe Jewell.

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

Before I get into the agenda proper for Marine Fisheries, the Commission has asked me to comment on the Biloxi Bay Closing.

As you know, we are quite proud to have this area reclassified and to finally open this area, after almost fifty years of closure, but, as with all other areas that we manage for public harvest of oysters, it is classified and has regulatory controls and management controls over it that govern how it is utilized and the harvest of resource for public consumption.

This past Wednesday, November the 9th, we closed that area under the management criteria of one inch of rainfall. The legal sunrise, at that time, was at 6:17. We had approximately twenty boats that were out at that time.

Staff called and was in consultation with me just after 6:00. We discussed the regulatory process, the management rules that govern this area, and, at that time, we made the determination that the area required to be closed under the regulations and rules, and that those fishermen that had harvested at that time would be required to return their catch to the Bay.

I contacted both Rusty Pittman and the Chief and

advised them of such, and that phone call occurred about 6:52.

The harvesters had been out on the water about thirty-five, or forty, minutes; at most, an hour, and we made that management decision based on one-inch of rainfall, and that occurred somewhere between 12:00 and 2:00 o'clock in the morning.

Additional consideration. Earlier in October the DEQ had closed the Ocean Springs beach areas under adverse conditions.

We just wanted to advise the Commission of the management regulatory decision that had been made, at that time.

We understand that is a very difficult decision to be made by our agency, particularly when it involves commercial fishermen that have to make their living harvesting this resource. They get up very early in the morning, they have to travel there, they have to pay fuel, they have to buy ice, they have to comply with a whole host of regulatory and management decisions, and, then, only to have to dump their resource, after about an hour of very hard manual labor.

We certainly understand that and we certainly understand that we are going to do everything we can to improve that process in the future. We can always improve

in that effort.

Are there any questions?

COMMISSIONER BOSARGE: Do you see yourself coming up with a solution, Joe, whether you predict the rainfall, or...?

JOE JEWELL: I think so. I think the previous day before, we knew that there had been excessive rainfall. Most of that rainfall occurred over in the western area of the Sound in Gulfport and the Long Beach area. We did not anticipate an additional front, a wave moving further to the east. All the radar indication, at that time, showed that it was dissipating, or was going to continue to the west. That did not happen. Overnight it came up and added additional rainfall that accumulated and caused us to close it.

We are going to put additional effort into it that we feel will prevent this from happening in the future and not put that burden on the fishermen, absolutely.

COMMISSIONER BOSARGE: Good.

JOE JEWELL: Are there any other questions?

COMMISSIONER GOLLOTT: Joe, one question.

JOE JEWELL: Go ahead, Commissioner Gollott.

COMMISSIONER GOLLOTT: When do you think the Bay will open again?

When has the sample been pulled, and when do you think we will be able to open Biloxi Bay again?

JOE JEWELL: Well, that's a good question. We have been asked that a lot, even by the fishermen.

We went out sampling on Monday. Those results should be back sometime today. We are anticipating this afternoon. In advance of those samples potentially coming back negative, we are sampling again today, and those results will be back Wednesday. We took an additional step of sampling areas one and two today.

We are anticipating the earliest that area could possibly open is Wednesday, probably Thursday.

COMMISSIONER GOLLOTT: Thank you.

COMMISSIONER HAVARD: Joe, if we were to look at the percent harvest of oysters that we say are out there, where would we be?

Normally, we put a thirty-five percent harvest as the quota.

Where are we with that today?

JOE JEWELL: Mr. Broussard is going to give y'all an update on that. That question has been asked. We are probably over that, right now. As we closed this past Wednesday, we are slightly over the thirty-five percent threshold that was established in the western reefs.

If that had been in place for the Biloxi Bay, we would be in excess of that, now.

COMMISSIONER HAVARD: Thank you.

JOE JEWELL: I do want to say for the record the only management criteria the Commission has established for the Biloxi Bay area was a fifteen sack limit.

The thirty-five percent quota that was established was only for the western reefs.

COMMISSIONER GOLLOTT: Joe, has there been any official assessment of the Biloxi Bay, how many oysters are out there?

JOE JEWELL: Absolutely, and Mr. Broussard is going to give y'all an update on that.

COMMISSIONER GOLLOTT: How can you do it, when you don't know where all the oyster reefs are located?

JOE JEWELL: I would disagree with that. We do know where the oyster reefs are, and we actually did a relay from the St. Joe area in early January to some very specific historic areas in the Biloxi Bay.

COMMISSIONER GOLLOTT: I understand that, and I understand the first day they went to a wild reef that y'all didn't even know was there and started harvesting oysters because they were more plentiful.

I still stand with my first inclination that tonging oysters never hurt a reef. The only thing it does

is cultivate it and makes it better, but we will go on and we will wait until Mr. Broussard tells us.

JOE JEWELL: I certainly respect your opinion, Mr. Gollott. As someone who grew up in the industry and who was part of the oyster industry back in the late sixties and seventies, I certainly value your opinion.

Now, Biloxi Bay, we actually know a little bit more about Biloxi Bay than some of the other areas. It is a pretty extensive area. We have relayed into that area with the Conservationist. Last year, we relayed into that area and, like I said, early this year.

In other areas, like in the western Mississippi Sound in Area 1 "B" and 1 "A", particularly the St. Joe Reef area, we had that discussion. We have had that discussion on public record before. The St. Joe Reef area proper is where we do the most of our assessments, and those figures that Mr. Broussard will be presenting to you, that is what is represented in that presentation.

Now, those fishermen, you are absolutely right. They know that reef area very well, that area well, and, when those sack numbers exceeded the predicted amount, that was not because they were harvesting on St. Joe. That's because they moved off of St. Joe into those areas that you are describing. There were other areas that had resource on them, and they moved into those areas.

COMMISSIONER GOLLOTT: Let me ask you one more question because I don't think Mr. Broussard would know.

How many sacks of oysters do you estimate are in the closed areas between the bridges in Biloxi, all those reefs that historically were big oyster reefs, but it is closed now and we can't harvest them, surrounding the Biloxi Bay and Davis Bayou?

You know what I'm saying. The oysters are still in closed areas where we can't harvest.

Do you have any idea how many sacks are there?

JOE JEWELL: Well, we have a little bit of idea because those areas are in prohibited areas. I myself have done some surveys in there. Mr. Broussard has done some surveys in the area. Our staff has been in there. A couple of our Commissioners, including yourself, have been in those areas. There are not large amounts of resource available. There are scattered amounts in very isolated patches that are available.

We sort of consider that broodstock into the Biloxi Bay, but there are not huge historic amounts of oyster reef, or oysters themselves, available like you would expect back in the sixties, seventies and even into the eighties. That resource that was available back then is not available, now, but there is resource there. It is very limited.

COMMISSIONER GOLLOTT: If you buy into the broodstock is where I'm coming from. I don't buy into that broodstock stuff, but I think, if you look at the broodstock, there is plenty around that area of Biloxi Bay that we can't touch.

Thinking about putting a cap on Biloxi Bay on the oysters we can harvest out of there, you are only assessing the areas that can be harvested. You are not assessing the areas like Davis Bayou that are full of oysters.

JOE JEWELL: We have assessed in Davis Bayou.

COMMISSIONER GOLLOTT: What have they got in Davis Bayou?

JOE JEWELL: There is limited resource in Davis Bayou. There is not expansive resource in there.

COMMISSIONER GOLLOTT: What do you call limited resource?

How many sacks?

JOE JEWELL: We don't have that material here presented today because that is not an open area. That is currently labeled as a restricted area, but we can make that data available, what we have. We don't normally extensively sample in restricted and prohibited areas because that is not open for public harvest.

COMMISSIONER GOLLOTT: Okay. Thank you, Joe.

JOE JEWELL: Are there any additional questions?

(No response.)

JOE JEWELL: With that being said, I'm going to move into the agenda items proper. First is a commercial quota update.

For commercial flounder, the quota limit is seventy-four thousand pounds. To date, we are at twenty-three thousand two hundred and twenty-five.

For red drum, the commercial quota is sixty thousand. We are at fifty-seven thousand six hundred and seventy-six. We anticipate closing commercial red drum tomorrow, Wednesday, November the 16th, at midnight.

For spotted seatrout, we are at fifty thousand. The quota is established at fifty thousand. We closed the spotted seatrout season on Monday, October 31st.

Now, I had been in discussions with the Commission about agenda item two.

COMMISSIONER BOSARGE: Joe, can I ask one question?

JOE JEWELL: Sure.

COMMISSIONER BOSARGE: You said you closed the spotted seatrout season in October.

That was the time that it normally closes every year?

JOE JEWELL: That's correct.

COMMISSIONER BOSARGE: what was the catch for that closed season?

JOE JEWELL: It was just under fifty thousand pounds, at that point.

COMMISSIONER BOSARGE: Thank you.

JOE JEWELL: I know where you are probably going. The Commission has asked several questions about the commercial quota system, the allowable catch, the tack, and in relation to the spotted seatrout item, as you know, the Commission has asked that I give an update on the public comment section, and part of the reason that I was asked to give an overview of the commercial quota system was some of the public comments.

Now, before I give an overview of the commercial quota system, I want to read to you what I think is a generalized statement that was submitted about the spotted seatrout reconsideration.

As you know, there are two actions up for reconsideration. One of them is an administrative action taken by the Commission at its October meeting, and the other one is a regulatory action taken at the October meeting.

The Commission considered two actions. One was a Notice of Intent sent out through the Administrative Procedures Act process, and that was to increase the

minimum size limit to fifteen inches and to limit to no take for charter boat captains and crew.

We have been receiving public comments since October, and I'm going to read to you what I think is a generalized statement that has been made by a lot of the comments that we have been hearing.

"A few weeks ago, I heard about the proposed changes to the spotted trout regulations. The changes I see only concern the recreational fishermen and not the commercial fishermen.

"Commercial fishermen are allowed to take fifty thousand pounds of speckled seatrout in the Mississippi Sound" -- the fifty thousand pounds is bolded and in red.

"Recreational fishermen who spend thousands of dollars" -- that is bolded and in blue -- "a year who are fishing with equipment, bait, ice, gas, boats, lodging, et cetera, are only allowed to catch fifteen speckled trout per trip.

"The proposed closure would take the months of January, February and March away from those fishermen, while still allowing commercial fishermen to take speckled trout out of the Mississippi Sound in February and March, while the recreational season is closed.

"This makes no sense at all. If you are trying to protect and increase the population of trout, the

commercial fishermen must have their season closed."

That represents what I think is generally the comments that we have been hearing from the recreational fishermen.

The Commission has asked several questions about the commercial quota and the commercial quota system. I am going to read to you what I think are the rules and regulations that best describe the governance of the commercial quota.

Per State Statute 49-15-315(i), it is unlawful for any commercial fishermen to take finfish species -- and this includes spotted seatrout -- north of the CSX railroad.

Those areas are excluded for commercial fishermen all year round. They don't have access to those areas.

Additionally, 49-15-315(3) states the department, DMR, shall set limits on all catches for non-commercial use.

A lot of the comments that we received challenged the authority of the Commission to set limits on recreational catch.

The spotted seatrout has a fifty thousand pound quota divided into two active harvest seasons; twenty-five for each of these seasons. The spotted seatrout

commercial seasons are divided into three segments. Two are harvest segments; the first being February through May which is four months, June through October which is five months, and one non-harvest, or closed, season which is November through January which is three months.

They do have a closed season; technically two, if you limit all north of the CSX railroad.

The spotted seatrout closed season between November and January happens no matter what the quota is, or how much is harvested. It is closed.

Per Title 22 Part 7, Chapter 9, Section 109, if the tackk for spotted seatrout is not met during the first segment of the harvest season, it carries over into the second segment, but it does not carry over into the second closed season and, if the harvest is met, that segment closes. It is not carried over and, when the season ends, it ends.

I want to point out that for the last two years, the quota has not been met by the commercial harvesters.

When the size changed from fourteen inches to thirteen inches, in 2008, for the recreational fishermen, the commercial fishermen voluntarily stayed at fourteen inches.

The spotted seatrout is currently closed and will not open until February the 1st, 2017, independent of

any action the Commission may, or may not, take today.

COMMISSIONER BOSARGE: That is kind of just brushing the surface of the regulations, if you think about it, and this needs to be brought up because there are a lot of people in here looking at speckled trout and what commercial does and what recreational does.

To go back just a little bit further, Joe, what was the prominent year used to catch speckled trout?

JOE JEWELL: I'm sorry.

COMMISSIONER BOSARGE: What has been the prominent year, over time, to catch speckled trout?

JOE JEWELL: The years where both commercial and recreational were enjoying the largest catches were prior to 2008.

COMMISSIONER BOSARGE: Correct, and, I guess, my point is, right now, the only gear we have left is hook and line. Prior to that, it was gillnet, and that was the predominant year used in that fishery.

We have gone on with regulations and you can quote the regulations that are on speckled trout as of today, and not all the regulations that have been placed in all the years that have passed.

We have gone to closed on the weekends, closed fifteen hundred feet around the piers, closed half mile off the beach, closed anywhere around the mouth of the

river, one mile around the islands.

JOE JEWELL: I have those regulations here because both the recreational community and the commercial community have asked questions about those, and you are quoting from Title 22 Part 5, primarily from Chapter 4, and those, as you know, are quite extensive. Those go on for pages and pages and pages, but I do want to point out that the restrictions on commercial fisheries is not limited to Title 22 Part 5. There are also additional limitations on the commercial fisheries in Title 22 Part 7. There is the endorsement. There is the quota system. There are a lot of restrictions.

COMMISSIONER BOSARGE: I agree, but just to give you an idea, what you see in green, that is closed to commercial fishermen for net fishing which is the predominant year they use for spotted seatrout (indicating map).

JOE JEWELL: I want to point out that those things are permanently closed to the commercial fishermen. That doesn't reflect seasonal closures on that.

COMMISSIONER BOSARGE: Correct, just to give you an idea.

JOE JEWELL: Are there any questions?

COMMISSIONER GOLLOTT: Joe, just to address the authority of this Commission, to the best of my

recollection, I think we were sued in 2008 and it went to court, and the judge affirmed the authority of this Commission to do whatever they deem fit.

JOE JEWELL: Set rules and regulations on commercial and recreational fisheries, that's correct.

COMMISSIONER GOLLOTT: That's correct. I just wanted to get that straight.

JOE JEWELL: There are no additional questions?

(No response.)

JOE JEWELL: Before we move into item two on our agenda for Marine Fisheries, I want to make a couple of statements.

First, I think I've made the statement, but I will make it clear. Up for reconsideration are two actions. One is an administrative action which is a season closure that takes place, the Commission has voted on and is in place, and is scheduled to take place from January the 1st through March the 31st, 2017, and that is a season closure for recreational fisheries of spotted seatrout.

Unless the Commission reconsiders, or takes any additional action, that will go into place. That is an administrative action under the authority of the Marine Commission.

The second action under reconsideration is a

Notice of Intent which is a regulatory action that impacts one of our regulations which is Title 22 Part 7, and that requires the Administrative Procedures Act.

That Notice of Intent was filed on October the 19th and is still pending, if the Commission should take action, or if modified, depending on what action, or no action, the Commission takes today.

I just wanted to make that clear.

Second, I also want to note that the process of reconsideration was put on the agenda by Chairman Gollott. That was not put on by our staff, or requested by our staff. Strategically, I wanted to make that clear to the Commission. Chairman Gollott requested that action be placed on the agenda for your consideration.

With that being said, the Commission and our Executive Director have asked, in lieu of the Notice of Intent proceeding, that I give a presentation on the comments that we have received on the spotted seatrout recommendation.

COMMISSIONER GOLLOTT: Joe, give me a chance here.

JOE JEWELL: Sure.

COMMISSIONER GOLLOTT: What I would like to do is make a motion that we do reconsider the closure, the three-month closure for the spotted seatrout, January,

February and March. I would like to make a motion to reconsider that and take it out of play.

Do I have a second on that?

COMMISSIONER HAVARD: I will second that, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion and a second.

SANDY CHESTNUT: I would like to make sure that the closure was not part of the Notice of Intent that is out on notice, right now.

COMMISSIONER GOLLOTT: That's correct.

SANDY CHESTNUT: The closure was an administrative action, and the Commission can certainly consider that without affecting the Notice of Intent that is out there, now.

COMMISSIONER GOLLOTT: We have a motion and a second.

Any discussion?

COMMISSIONER BOSARGE: Yes, there is going to be some discussion.

I didn't quite understand your motion.

Can you say it one more time, please?

What does your motion state?

COMMISSIONER GOLLOTT: I want to retract closing January, February and March of each year. It is going to

impact too many people. It is going to impact the bait shops, it is going to hurt commercial people, and I would like to do away with that.

COMMISSIONER BOSARGE: Don't we have a presentation on this, Joe?

JOE JEWELL: Absolutely. I do want to note for the record that Counsel Chestnut has advised correctly, but for clarification the administrative action, as voted on and adopted by the Commission in October, was a one-time closure for 2017.

COMMISSIONER BOSARGE: Correct.

JOE JEWELL: If the Commission wishes, I can proceed with the public comments that we have heard so far, or y'all can proceed for vote.

COMMISSIONER GOLLOTT: I want to proceed with a vote on this.

COMMISSIONER BOSARGE: I would like to have some discussion on it, if we could.

COMMISSIONER GOLLOTT: It's open for discussion.

COMMISSIONER BOSARGE: Really, we need to see Dr. Paul Mickle's presentation where I think it was you that asked for nine scenarios to be put forth, and I think we have twelve scenarios total put forth and the results of those scenarios.

JOE JEWELL: Well, procedurally, Counsel

Chestnut, can you advise?

If y'all want to bypass the public comments completely, y'all need to vote on that and we can do that.

COMMISSIONER GOLLOTT: I don't think we should bypass public comment. All I want to do is this three months, take it out of play.

JOE JEWELL: The way I'm hearing Commissioner Bosarge, he would like to hear Dr. Mickle's presentation, first.

COMMISSIONER GOLLOTT: But the Chairman runs the Commission.

JOE JEWELL: That's correct.

COMMISSIONER GOLLOTT: And he is calling for a vote, now.

Does anybody else want to comment on this?

COMMISSIONER BOSARGE: I thought discussion was a part of this.

COMMISSIONER GOLLOTT: But I can take it out of discussion. It's at my discretion.

Do we have any more discussion on this?

Does any other Commissioner want to say anything?

COMMISSIONER HAVARD: Yes. I want to hear Dr. Paul Mickle, what he has prepared for us today and to give us these options that we have out there and show what

effect it will have, or will not have.

COMMISSIONER GOLLOTT: Okay. Let's do this. Let's have a show of hands that want to hear Paul Mickle's presentation first.

JAMIE MILLER: Let's get a point of order because, now, we are off the administrative tract.

There is a motion that has been made, attorney Chestnut.

If a motion is made and seconded, I think the Commission certainly has purpose for discussion.

Can a Commissioner ask for discussion, or a presentation, from the staff?

SANDY CHESTNUT: Yes. Once a motion has been seconded, if any of the Commissioners would like to discuss that motion, that discussion should take place before the final vote.

COMMISSIONER GOLLOTT: What do we need to do, just let it hang until we hear the --

JOE JEWELL: (Interposing) Procedurally, what I had asked counsel was part of the discussion can be the agenda items. The first part of agenda item two is the public comment section, and the second part of agenda item two is the reconsideration that has the model results that were requested by Chairman Gollott and Commissioner Trapani.

That is correct, the Commission can discuss those issues as part of the motion, but, if we want to proceed out of order is what I was asking Counsel Chestnut because, from what I'm hearing from the Commission, they want to hear Dr. Mickle's presentation first, before the comment section.

JAMIE MILLER: The only thing on the agenda, Joe, is step two which is reconsideration of the closure and regulations.

Vice Chairman Bosarge has asked for discussion. As part of that discussion, he has asked for the staff to give a presentation.

JOE JEWELL: Correct.

JAMIE MILLER: I don't think it's out of order. I think it's part of the discussion.

JOE JEWELL: That's right, but the Commission had asked for the public comments, a summary of the comments.

JAMIE MILLER: You can give those as part of your presentation. Right now, I think you can go straight to --

COMMISSIONER GOLLOTT: (Interposing) Okay. We can go to Paul's presentation and let this hang.

PAUL MICKLE: Good morning Commissioners, Director Miller, Ms. Chestnut.

Today, I'm presenting the reconsideration of the spotted seatrout season closure and size change. This is for recreational only. I want to make that clear. Everything talked about today is recreational.

Presenting the updated data today, looking at these scenarios to provide the information toward reconsideration, we conducted multiple projection scenarios for recreational closures and minimum size changes.

I want to make it very clear that Dr. Robert Leaf did these scenarios. He did a wonderful job. It is a very tough thing to do, and I'm going to explain why here in a second.

We looked at season closures for January through March and April through June. Those are both three-month closures.

Then, we looked at the six-month closure, January through June, and the January through December closure, a full twelve-month closure. It will give you a nice round look at what an actual 2017 closure has the possibility to do.

This figure here is the average catch percent harvest per month. It's one through twelve on the X-axis. One is January. Twelve is December (indicating graph).

That first scenario is going to be January

through March. That's one, two and three. That closure there, you can see that not much is landed in January, February and March.

Then, entering the spring months, four, five and six, the catch goes highest, with June being the highest average landings on the month and the year.

Then, it holds pretty steady up and down through the rest of the year.

Then, we wanted to make sure that we gave you a very good look at what happens with potential size changes, thirteen, fourteen and fifteen inches. I'm going to present some figures here today. They are very repetitive. Once we go through the first one together, they are just going to be different size changes, along with these season closures.

I will walk everybody through it and, please, ask questions at any point because this model, it's confusing. It is very difficult to understand, and my job is to make sure that everyone here understands what we have done.

Again, we did these season closures along with the different minimum size changes, thirteen, fourteen and fifteen inches.

Looking at thirteen inches, the status quo right now with no closures -- again, I have presented this

before. It is nothing new -- the SPR of the original model was holding around ten. With the updated model, it has gone down and decreased.

Again, I have discussed this. The fishing mortality, the fishing pressures are so high that our SPR which is our percent SPR measuring the health of the spotted seatrout fishery is below norm and at a very low number.

The updated data shows strong evidence of higher F, which is fishing mortality, right around the neighborhood of one point eight, causing percent SPR to further decrease. The stock is not rebuilt enough to support current harvest levels, and that is why we have been discussing this at these Commission meetings.

Now, looking at this thirteen inches, with these different scenarios with season closure, again, the figures are going to look like this pretty much for the rest. We are just going to change the sizes.

You can see on the X-axis here is the years and, on the Y-axis is that percent SPR. It goes up to a hundred percent, and that's because, when you do a full twelve-month closure, you immediately get an SPR of one hundred percent because fishing mortality is removed altogether because there is no fishing mortality, when you shut down for twelve months of the year.

Looking at this, if you look at the solid line, that's that first closure of January, February and March, which is the proposed closure, and you can see it has really no bump. You don't see an increase in SPR at all. It just stays level, pretty much the status quo. Again, remember this figure is at thirteen minimum inch size, what we currently are.

The dotted line is the next one to look at. That's that closure from April through June, and you can just barely see it right above the solid line on the bottom. You just get a little hiccup on that first year, having that closure. Immediately into the next year, they fish them out and, again, you are at that historic low of SPR.

If you look at the thirteen inch January through June, a full six-month closure, you get it above ten percent SPR, and, then, by the next year, you fish them down and you are back to where you started.

If you close an entire year -- this is not a proposed closure. This is just looking at the model, what it does in an extreme case to give you an idea of what is going on with the fishery and potential impacts -- again, you are immediately going to have a hundred percent SPR in that first year. Within a two-year period, you are fishing it back down to the original amount.

A one-time closure of pretty much any scenario of months is not really going to impact the potentially long term of the SPR, or the health of the spotted seatrout population. Just after one year, it decreases very fast and you are below fifteen percent SPR, even with a full year closure.

Again, we looked at these different sizes. Looking at the fourteen inch minimum size -- this is, again, no season closures. I am always going to present this first, what goes on with no season closures -- it is going to hold steadier. It is going to hold static at its SPR, and I have presented this in previous meetings, as you have seen, this figure here.

Looking at fourteen inches with these season closures, January through March, April through June, and, then, the six-month closures of January through June, and, then, the big twelve-month closure all year long for 2017, you start to see some separation because, now, the fourteen inch minimum and the season closures are starting to have an effect on SPR, even in the long term, a little bit, just a little bit.

Just with January through March, you see a little increase and it levels off. That solid line on the bottom.

Then, if you do that three-month closure, April

through June, that dotted line picks up a little bit. You just get a little bump there of SPR.

Then, looking at the dotted line, the big six-month closure, you get it above fifteen percent SPR, and, then, it decreases once you fish them out, but it is holding static at that fourteen inches.

Then, with the big twelve-month closure, of course, you get your hundred percent like the other scenario, but they are quickly fished out because of our high fishing pressures and holding static after that.

The fifteen inch -- this is the recommendation of DMR -- with no season closures, you are seeing an increasing SPR at an increasing rate. I would like to say it is a really positive outlook. The reproductive potential of these thirteen and fourteen inch fish have an amazing potential, if they are left out of the fishery to reproduce and get the SPR going up. Over a three-year period, you are over twenty percent SPR, with no season closures.

Then, looking at the season closures with fifteen inches, again, it is more dramatic because you have a fifteen inch minimum along with the season closures, looking at, again, January through March, that solid line increasing at an increasing rate, and, then, the dotted line is that April through June. That second

three-month closure you get a little bit more bump because the landings are higher in those months, and, then, increasing after that.

With the six-month closure, you end up immediately over twenty-five percent SPR, and, then, it goes down a little bit because you fished them down a little bit, and, then, increasing after that, once you return to no-closure fishing.

Then, against that extreme example of closing for a full year, you immediately get a hundred percent SPR, and, then, you quickly fish them down to pretty much a target level of what we have discussed and what the Commission has chosen, and increasing after that.

Fifteen inches works very well by itself.

This is my last slide. I just wanted to bring this up. When I sit in my office, I get a lot of phone calls from the public. I enjoy taking them. A lot of them have been discussions with me, and I have always enjoyed the discussions. I love talking with the public, and they talk to me about protecting those big sow trout, those twenty-inch plus fish, and that they have a potential to drive our population and we should be protecting those large fish.

I just want to make it real clear that the model is going to talk about some things with the population and

what the model does. It looks hindsight, and, then, it looks forward, and it looks at the reproductive potential of all the size classes.

This figure here, this is directly out of the Mississippi Spotted Seatrout Stock Assessment, and it is a little confusing. I'm going to try to walk through it and try to make my point. I only have one big point to make on this figure.

On the X-axis here, this front axis, the one, two, three, four, five and six, those are the age classes of spotted seatrout in our Mississippi Sound, ages one through six.

Going back into the figure of the years, that is the historic data there, on the Y-axis. That vertical axis, that's the actual number per age class. From four hundred thousand up to one point million for these different size classes.

Age one and two, those are those thirteen and fourteen inch fish. There are so many of those compared to age five and age six. If you look at the five and six, that line is just on the bottom. There are very, very low numbers.

Even though you catch them, they are large aggressive fish, and, when the fishermen call me, they are right. Those big fish have more eggs and they spawn more

often, but the math of it is these thirteen and fourteen inch fish, there are so many more of them, they absolutely overwhelm the reproductive potential of large fish.

If you look at these fish, between thirteen and fourteen inches, under fifteen inches, they have a reproductive capability over eighteen hundred percent more than a twenty inch plus fish, just because of the sheer numbers and the population.

Protecting these fish in these smaller size classes drives our population and our reproductive potential, and that is why we have come forward with our recommendation of protecting fish and keeping them out of our fishery below fifteen inches.

Historically, it has worked in Texas and Florida. They even have higher fishing pressures than we do, much higher, exponentially higher, and it works in those states.

There is a lot of history here. There is a lot of data here. There is a lot of evidence showing these small fish have the capability to carry our fishery and its sustainability, and I support that statement.

Are there any questions?

COMMISSIONER GOLLOTT: Paul.

PAUL MICKLE: Yes.

COMMISSIONER GOLLOTT: I have to confess I have

previewed your assessment is the reason I wanted to get rid of the closure because, apparently, the closure wouldn't do us any good. We would have to close for three years.

PAUL MICKLE: Yes. Again, when we come with our recommendation, we think of all user groups, when we come forward, and closures are hard on people. They get you a little bit back, but, again, you fish them down within a year.

Long-term management decisions are always what I am going to support and give evidence of because strategic plans, this is what you do for conservation.

COMMISSIONER GOLLOTT: Does anybody else have any questions?

COMMISSIONER BOSARGE: Yes. We've got to talk about this a little bit.

Believe me, I've looked at this and I've studied it, and I want to try to make everybody here see what I see.

You talk about Florida and their fifteen-inch fish.

Do you know how they got to their fifteen-inch fish?

PAUL MICKLE: They went through the same thing we are going through right now.

COMMISSIONER BOSARGE: That's right. In 1989, they went to a fourteen-inch fish. It didn't work.

What did they do after that, Paul?

PAUL MICKLE: They went to a fifteen-inch fish.

COMMISSIONER BOSARGE: No. They had season closures.

PAUL MICKLE: Yes. There is a caveat to Florida because the state runs north to south. Our state runs east to west, and they have seasonality and area variations and ecology which we don't have to deal with.

COMMISSIONER BOSARGE: We will go into this, but I just want to make everybody aware that just going to a fifteen-inch fish did not fix it in Florida.

To rebuild their stock to that point where the fifteen-inch fish did fix it, they had seasonal closures.

PAUL MICKLE: I agree.

COMMISSIONER BOSARGE: And they had them for, I think it was, three to five years.

PAUL MICKLE: They did. They had seasonal closures and they cavitied around reproductive times of the year.

COMMISSIONER BOSARGE: That's right, and I want to talk about Texas.

PAUL MICKLE: Texas is an interesting story. I have talked a lot with the managers over there because

they have seen what we have gone through and they have commended y'all on your decisions for target SPR.

They have had a north-south issue as well, and they went down to a five fish bag limit in the southern part of the state, and there was a lot of push back from the public on it, and this was years ago. This was the mid nineties. They have a lot of data support.

COMMISSIONER BOSARGE: They are moving that further north.

PAUL MICKLE: Yes, and they found out that their charter fishermen were running down to the south because the fishing was so good, and they actually have requested to go down to five fish in the northern part, which is very interesting.

That's a bag limit thing. That's a different strategy.

COMMISSIONER BOSARGE: We are still at fifteen fish bag limit and, right now, we're still at thirteen inches.

Go back to your model -- I say your model -- our model.

PAUL MICKLE: One more thing I have to say, Commissioner Bosarge. I do make comparisons to different states because of historical management and I like to bring those things up, but we can't forget that the

productivity in the Mississippi Sound is much, much more than these others areas. They are more productive, and there are a lot of numbers that support that statement. The productivity in our area is much higher.

COMMISSIONER BOSARGE: But still, to get to where they were at --

PAUL MICKLE: (Interposing) Yes, to get to where they are, to get to target.

COMMISSIONER BOSARGE: In other words, they had to do something to stop the bleeding, and that's what they did in Florida. Now, they are at fifteen inches. It works.

PAUL MICKLE: It works.

COMMISSIONER BOSARGE: I agree and it will work, but we've got to get to that point, first. We've got to build that stock.

PAUL MICKLE: Our model in support of fifteen inches will get you there in a three-year period and the target you selected. I want to make that clear.

COMMISSIONER BOSARGE: Let's talk about that a minute.

COMMISSIONER HAVARD: Let's not forget, guys, we just set a target SPR four months ago.

PAUL MICKLE: Yes, and we are going to do updates.

COMMISSIONER BOSARGE: That is the first time we have ever set a goal to achieve. Science does not support that a seasonal closure will make a significant change in our population.

PAUL MICKLE: Not a one-year closure.

COMMISSIONER HAVARD: However, as Commissioner Bosarge knows, any time you close a season of any sort that just stops the bleeding completely. It is bound to make some sort of change to the better.

COMMISSIONER GOLLOTT: Let me say this. It only stops the bleeding for people that don't have bait shops and don't have sporting good shops and are not in the commercial end of this thing. You are hurting those people, and I've gotten a lot of calls from those people saying, "Hey. What are you trying to do, put me out of business?"

COMMISSIONER HAVARD: And I have, too, Commissioner.

COMMISSIONER BOSARGE: In the long run, you've got to do what you've got to do.

Let's look at the model. Let me show you what I see. If I can manage to convey my thoughts good enough, I think you will see.

The model uses up to 2014 data.

PAUL MICKLE: It does. It's a base model. It's

created, and that's what we use it for. Once you build the car, you put gas into it which is data and you get what you want out of it.

COMMISSIONER BOSARGE: I have asked Joe to do something that, basically, he says the model can't do and that is to predict out into the future with stock pile limits. We can't do that.

Go back to your slide that shows -- it was your first slide with the scenario of thirteen inch minimum size.

PAUL MICKLE: There are two slides that talk about thirteen inches.

COMMISSIONER BOSARGE: This is the one slide where you do somewhat predict what happens after 2014.

Right now, in 2014 -- which is two years ago now. we are fixing to be in 2017 -- you've got a stock of X.

Let's use cows for instance. In 2014, you have a hundred cows. If you look at total biomass -- and here's your graph from a couple of meetings ago (indicating).

PAUL MICKLE: Yes, sir. I presented that to you.

COMMISSIONER BOSARGE: If you look at total biomass, this is the trajectory total biomass is on, and

it was in 2014 (indicating).

PAUL MICKLE: 2014, terminal year, yes.

COMMISSIONER BOSARGE: Everything that you have done, and I say you. Everything that we have done in our modeling is predicting from 2014 data, from 2014 out. You are taking the stock that we had in 2014 and predicting out, projecting out what is going to happen.

PAUL MICKLE: That's the purpose of models is to predict, just like the weather channel.

COMMISSIONER BOSARGE: I'm with you. That's correct, and that's fine. That's what we have to do. That is the way the model works.

My point is, in 2014, we had two-hundred-and-fifty head of cattle. In 2016, if that projection line -- and here's the one slide that you brought up that you projected somewhat out into 2016.

Do you see where our SPR is at?

PAUL MICKLE: Yes.

COMMISSIONER BOSARGE: Where is it at?

PAUL MICKLE: It is very, very low.

COMMISSIONER BOSARGE: It is right above zero?

PAUL MICKLE: Yes.

COMMISSIONER BOSARGE: That's might near a collapse of the fishery.

My point is -- and another thing that proves my

point -- if you go back and you look at scenario seven.

PAUL MICKLE: Would you remind me?

I've done a lot of stuff in the past week, or two. I've got it right here.

Scenario seven, project stock dynamics by simulating one year.

COMMISSIONER BOSARGE: Scenario seven was fifteen inch with a three-month closure.

PAUL MICKLE: Fifteen inches with a three-month closure?

COMMISSIONER BOSARGE: That's correct.

PAUL MICKLE: Okay. Let's just look at it.

The graphs are easier for everybody, in my opinion. Let's look at it.

We did two three-month closures.

Which of the three-month closures, the January through March, or April through June?

COMMISSIONER BOSARGE: It was the fifteen inch with the first three months, January through March.

PAUL MICKLE: January through March, yes, sir.

COMMISSIONER BOSARGE: In this scenario that you gave us, this last one --

PAUL MICKLE: (Interposing) That's the solid line.

COMMISSIONER BOSARGE: -- you used some of the

2015 data. We had this discussion.

PAUL MICKLE: Yes, the fishing mortality of a projection.

COMMISSIONER BOSARGE: Correct.

PAUL MICKLE: It's complicated, but the way the models work, they look backwards, they look at which way the line is going, it enjoys historical data, and we sliced it off at 2009 because the fishery changed in 2008. That's as far back as we looked, when we did our projections which you see here today, and, then, it turns around and projects, and that's how it works.

COMMISSIONER BOSARGE: If you look at the results of that scenario, with you just taking a little bit of the data for 2015, and you look at what you presented to us, the original model projection without any 2015 data, this scenario, the first scenario shows actually a better result than your latest scenario.

PAUL MICKLE: It does because the SPR started at a higher point.

COMMISSIONER BOSARGE: That's right.

PAUL MICKLE: I agree with you.

COMMISSIONER BOSARGE: But do you see a reason why?

PAUL MICKLE: Yes.

COMMISSIONER BOSARGE: Because now that you've

1 got just a little bit of 2015 data, it shows that we are
2 not going to recover quite as fast as we thought just
3 using the 2014 data.
4 PAUL MICKLE: Yes.
5 COMMISSIONER BOSARGE: My point is, using data
6 from 2014 which is what the model says we should -- that's
7 all we've got -- the trajectory line of the total stock
8 biomass being this line on this graph (indicating)?
9 PAUL MICKLE: Yes.
10 COMMISSIONER BOSARGE: And we are still two
11 years out from this (indicating document)?
12 PAUL MICKLE: Yes.
13 COMMISSIONER BOSARGE: And it hasn't changed.
14 We don't have much of a stock left. If we don't protect
15 what we have left, we are going to be forever trying to
16 rebuild this. Florida has already seen it. They have
17 been through it. They did it.
18 A three-month closure, you would think this is
19 the end of the world.
20 PAUL MICKLE: I agree with your statements. I
21 think our fishery is overfished and we are currently
22 overfishing, but I'm a scientist. I can only justify
23 numbers.
24 If you look at fifteen inches, with nothing
25 else, in our fishery using the model, it is increasing at

1 an increasing rate. It's not increasing at a slower rate.
2 This is projecting out years from now.
3 Four years after the model has done it, there is
4 enough biomass in the younger fish to take off and get up
5 and increase.
6 COMMISSIONER BOSARGE: But you are using 2014
7 data, Paul.
8 PAUL MICKLE: Yes.
9 COMMISSIONER BOSARGE: It's like in 2014 we had
10 a thousand head of cattle. In 2016, we are down to a
11 hundred head of cattle. It's a whole lot easier to
12 rebuild this herd at a thousand than it is at a hundred.
13 PAUL MICKLE: I agree. I just can't come
14 forward with a recommendation without numbers behind it,
15 and these are the only numbers that exist in this stock
16 assessment (indicating document).
17 Until we do an update, there is no way I can
18 make and agree with a recommendation where the numbers
19 don't support it.
20 These are the numbers that are presented.
21 COMMISSIONER BOSARGE: And I agree with you, but
22 the one place that I saw where you did predict it out was
23 that first graph where we originally had ten percent SPR,
24 we are down to nine, and, then --
25 PAUL MICKLE: (Interposing) I agree, and

1 getting something done quick is advantageous for everyone.
2 COMMISSIONER BOSARGE: Don't get me wrong, but
3 if this were a commercial fishery, we would have shut this
4 down a long time ago. We would have stopped it, but we're
5 not there.
6 My point is let's don't manage fisheries two
7 different ways. We've got a fishery that is overfished
8 and undergoing overfishing, and the least we can do is to
9 give it a break, a three-month break. In the end,
10 everybody is going to be better off for it.
11 To protect what few fish we have left, open it
12 back up when it's over with and hope most of those survive
13 to spawn.
14 When these fish get in these rivers, that's when
15 they are trapped. That's when they are easiest to catch.
16 PAUL MICKLE: I agree.
17 COMMISSIONER GOLLOTT: Paul, has your
18 recommendation changed any?
19 PAUL MICKLE: Not a word. It's fifteen inches
20 for three years, and, then, we will do updates and present
21 them to you each year, and we will see how the fishery is
22 going. It's an experiment.
23 When we restrict harvest, I truly believe that
24 the fishery will come back. The math supports that and
25 the data supports that. We are going to go through it

1 together and, if it's not enough, then, the Commission can
2 do whatever it wants and you know that.
3 COMMISSIONER GOLLOTT: Yes, sir.
4 PAUL MICKLE: At any point, you can do whatever
5 you want. I will make that clear.
6 COMMISSIONER HAVARD: Every year you are going
7 to conduct an analysis.
8 PAUL MICKLE: Absolutely. This is the number
9 one fish in our fishery for recreation and commercial in
10 our State waters. It is number one on our list. It will
11 always be top priority.
12 COMMISSIONER HAVARD: When and if this gets
13 changed, every year it will be --
14 PAUL MICKLE: (Interposing) As soon as the
15 landings data comes in for 2016 -- 2016, as soon as it
16 ends and the landings data comes in, we will start pushing
17 it through the model. I make you that promise.
18 COMMISSIONER GOLLOTT: My only point is this is
19 the least painful way for recreational fishermen. I'm not
20 interested in punishing the recreational people because
21 commercial got the short end of the stick. I'm on both
22 ends. I'm a commercial person and a recreational person.
23 The least painful way is the way I want to go.
24 I'm not for fifteen inches, but, if this is the
25 only way and science says it and we believe in the

science, we are going to go with your model, Paul, and do it that way, as far as I'm concerned.

Can I call for a vote on the reconsideration of the three-month closure?

JAMIE MILLER: Chairman, just one more.

COMMISSIONER GOLLOTT: Yes.

JAMIE MILLER: We have not received any requests for public comment on this issue. If you would like to discuss this, make a public comment before the Commission votes, you need to be recognized, now.

COMMISSIONER GOLLOTT: Mr. Eicke, would you like to comment?

F. J. EICKE: I would.

COMMISSIONER GOLLOTT: Come to the podium and state your name, please.

JAMIE MILLER: This is just regarding the closure, or --

F. J. EICKE: (Interposing) This is the closure, right now. I can make a comment about both, if you would like.

JAMIE MILLER: This is part of the discussion for the motion that has been made on the closure.

F. J. EICKE: Exactly.

JAMIE MILLER: You will have time, if you want to speak about other items.

F. J. EICKE: Very good.

I don't think, based on what I see and Dr. Mickle's presentation, what is in the stock assessment and, particularly, the graph that was in the original presentation that showed the increase over time with the fifteen-inch limit being put in, that it would make any sense to do anything like a closure.

We have had the same comments that y'all have talked about from the marina dealers, from the marina owners, from the bait shops, and even Academy Sports made a comment, as big as they are, that the three-month closure would be detrimental, or hurt, them -- not detrimental, but it would hurt them.

The board of CCA has taken a unanimous stance on this against the closure. Y'all have a petition to reconsider this particular action, in writing, from us that makes such a statement, and we think it is the reasonable thing to do and hope that the Commission does so.

COMMISSIONER GOLLOTT: Thank you, Mr. Eicke.

F. J. EICKE: Thank you.

COMMISSIONER GOLLOTT: Anyone else?

(No response.)

COMMISSIONER GOLLOTT: Looks like there is no one else, and I will call for a vote on this.

Let's have a roll call vote, starting with Mark.

How do you vote, Mark, to reconsider?

COMMISSIONER HAVARD: To reconsider the seasonal closures, the best that I can tell, with this data that is provided by all of our scientific guys and gals out there, is that it is not going to make a significant impact almost solely due to the number of hooks that are in the water.

If it made a significant impact and helped us get a jump start and science said that, I would be all for a seasonal closure, but science does not support that, the best that I can tell, and it is due to the number of hooks that are in the water.

I'm going to be for reconsideration of the seasonal closure. That's reconsidering it and not passing it and not doing a seasonal closure, but I am for fifteen-inch fish.

COMMISSIONER GOLLOTT: Commissioner Trapani.

COMMISSIONER TRAPANI: Initially, if we had a closure, I understand what we are saying that it would have an impact, but, once we start fishing again, the impact is not there, and I feel that it doesn't move the needle far enough to close the season.

Again, we have to look at our commerce. We have to look at the bait shops, the people fishing, the

tourism, all of those. We have to have a balance with our environment.

I feel that it doesn't push the needle far enough to have a season closure, but I am for fifteen-inch trout.

COMMISSIONER GOLLOTT: I think everyone knows how I feel about this.

Commissioner Bosarge.

COMMISSIONER BOSARGE: I'm against the reconsideration.

COMMISSIONER GOLLOTT: Commissioner Harmon.

JAMIE MILLER: I want to make sure -- go ahead, Commissioner Harmon.

COMMISSIONER HARMON: I'm going to just echo the same thing that the other Commissioners said. If it would push the needle further to help the stock, I would be for it. I feel that all we would be doing is creating an unnecessary hardship on people in this industry and the recreational.

Also, I do want to make one more statement. We keep hearing Florida brought up in these considerations with the trout. I have fished both areas, and let me explain to you that it is apples and oranges comparing Florida to Mississippi. You have regional areas and you have different seasons in Florida. I just wanted to make

that clear.

We are trying to stop the blood with the fish, but, in this case, it is not going to do anything that will be detrimental to us.

I'm going to vote for it.

JAMIE MILLER: We have a tied vote.

John, if you could restate the motion, that way all the Commissioners know exactly what they are voting for.

The motion was made by Chairman Gollott to --

COMMISSIONER GOLLOTT: (Interposing) Reconsider.

JAMIE MILLER: Are we voting to reconsider, or are we voting actually to undo the closures?

COMMISSIONER GOLLOTT: I think, when I read it in the Roberts Rules of Order, if you reconsider it.

Is that correct, Sandy?

SANDY CHESTNUT: You can go ahead and state that in your reconsideration.

The motion is to reconsider the season closure for recreational spotted seatrout and that the closure be rescinded, or removed from the table.

COMMISSIONER GOLLOTT: Sounds good.

Are you okay with that, Ron, as a second?

COMMISSIONER HARMON: Yes.

JAMIE MILLER: Let John type it. It is easier for our minutes.

COMMISSIONER GOLLOTT: We have had a motion, we had a second, we voted and it is four to one, with Commission Bosarge against it. So it carries. It is reconsidered.

JOE JEWELL: Thank you, Commissioners.

With that being said, is it the will of the Commission to hear the public comments section for the Notice of Intent, at this point?

JAMIE MILLER: My only comment about that is if we are getting ready to have a public hearing and there will be more public comments made at the public hearing Thursday, you could give them the comments that you have already heard and gathered in your presentation.

JOE JEWELL: Okay.

COMMISSIONER GOLLOTT: Right now, it's fifteen fish, fifteen inches.

COMMISSIONER BOSARGE: No. Right now, it's fifteen fish, thirteen inches. It is going to change.

JOE JEWELL: Let me speak for the record. The Notice of Intent that we are talking about that has been administratively filed by the Commission on Marine Resources is to increase the minimum size length to fifteen inches and there is no catch for charter fishing

captains and crew.

That Notice of Intent has been filed administratively with the Secretary of State site and it is currently active. We will proceed with that and part of the procedure, as Executive Director Miller has pointed out, is we scheduled a public hearing for this Thursday in the Bolton Building, at 6:00 p.m., and we will proceed with the Notice of Intent regulation, and we will delete the administrative action for the season closure as part of that public hearing process.

As far as administratively, that will be the process on behalf of the Commission.

Are there any questions about that?

COMMISSIONER BOSARGE: When will this fifteen-inch law take effect, if we don't do anything at this meeting?

COMMISSIONER GOLLOTT: Let's ask Sandy legally to give us an update on how it has to proceed.

Is that all right, Sandy?

SANDY CHESTNUT: Certainly.

COMMISSIONER GOLLOTT: Okay.

SANDY CHESTNUT: This all has to proceed according to the Administrative Procedures Act which is 25-43-3.109.

In a nutshell, of course, there are always going

to be exceptions to every statute, but the overall outline is when a proposed rule is brought before the Commission and the Commission approves that proposed rule, then, that goes out on Notice of Intent. Once it is filed with the Secretary of State's office, it goes out for Notice for twenty-five days.

The Commission cannot do anything on that. I mean, the rule is not in effect, at that point, while it is out on notice.

The public hearing that was scheduled, that can be triggered three ways. One is, if at the Commission's discretion, if you say, yes, we want to hear what the public has to say which, I think, has happened in this case, or if a political subdivision requests that public hearing, or an agency requests that hearing, or if more than ten people request the hearing, then, that kicks it into a mandatory public hearing.

That public hearing can't take place before twenty days, once that public hearing is noticed. What that does, it takes into another month, before coming back to the Commission for final consideration and final adoption.

Once that comes back to the Commission for final adoption, if there have been no substantive changes proposed at that point, then, the Commission can finally

approve that rule.

That doesn't mean it is effective yet, though. That rule, as finally adopted by the Commission, must remain on file at the Secretary of State's office for thirty days, before it can be effective.

It is a very long process. It has a lot of ins and outs to it. Like I said, there are some exceptions to that, but that is the general outline.

COMMISSIONER GOLLOTT: What is the earliest this thing could kick in, this fifteen inches?

SANDY CHESTNUT: If there are no substantive changes, it is brought back before the December meeting, if it is finally adopted and filed the day after the December meeting which would be December --

JOE JEWELL: (Interposing) The 20th. The Commission meeting is on the 19th.

SANDY CHESTNUT: Right. It would be filed on the 20th. Then, that thirty days, it would be into January, January 21st probably. There are some holiday things that we can and can't count, but it would be around the end of January before it could actually take effect.

COMMISSIONER GOLLOTT: Thank you, Sandy. I think that clears up a lot for us and the public.

SANDY CHESTNUT: I hope so.

JOE JEWELL: Are there any additional questions?

(No response.)

JOE JEWELL: If not, we are going to proceed into agenda items F3 and F4. Both of these will be presented by Mr. Erik Broussard. F3 is Oyster Season update.

JAMIE MILLER: Joe, let me stop you one more time.

Mr. Eicke had made a public request to make public comments on item F2. He did participate in the discussion on the motion, but he also requested time to speak on F2.

F. J. EICKE: There have been some comments, when we were discussing a closed season, about recreational versus commercial closures.

I represent CCA, so I'm voicing the CCA opinion.

What y'all do with the commercial quota and the commercial seasons is up to this Commission. I think there is something to be said for the commercial size limit being up to fifteen, but that is not something we are going to tell y'all to do, or suggest that y'all do. That's up to you.

The closures that have occurred, and Commissioner Bosarge commented about what Mr. Jewell said about not reaching the spotted seatrout quota, that's because of seasons and the way they are set up. That is

something the Commission did. It's not us. Y'all need to take care of that.

CCA is, at this time, quite content and it is one of the few states in the Gulf that, in fact, allows a quota of these three particular species that are managed by quota in the commercial sector.

What we also have managed, of course, is triple tail, and I would be curious as to whether we are having many violations occurring in the triple tail catch, since there is a three fish limit and that has been in effect for some number of years.

What y'all do with Commercial is up to you. We are fairly content with what we have. If you want to be consistent, there is rationale that says you should go up to fifteen, but that is a decision y'all make and it is not ours. Thank you.

COMMISSIONER BOSARGE: Mr. Eicke, you said the reason is because of the seasons. The reason is because they don't have any gear left, or any place to catch fish. That and the depleted resource is the reason why they haven't reached a quota.

F. J. EICKE: That is a huge issue because of the nature of the commercial fishery generally, in other areas, shrimping and other areas.

If y'all want to address that, that is something

y'all can do.

COMMISSIONER GOLLOTT: Welcome, Mr. Broussard.

ERIK BROUSSARD: Good morning Commissioners, Director Miller, Counsel Chestnut.

This morning I have an oyster season update prepared for you, and it will be followed by a Conservationist update.

Here we have a map of the western Sound, and this is just a visual aid so you can see where the harvest is taking place by area and reef zone.

Most notable is going to be Area 1 "B", harvesting twenty-five thousand two hundred and forty-five sacks.

Another notable area is going to be Area 2 "B", harvesting two thousand seven hundred and twenty-eight sacks. That was on the St. Stanislaus Reef.

This is just kind of a Q to see where the resource is and is not. Unfortunately, some of the areas are not much to speak on. I have a table that I will present and we will get into more of the numbers.

On our left column, we have the reefs. We have our estimated sack total to the right of it, and that is the sack totals that we -- the data we collected in the spring and summer sampling, followed by percent mortality which brought us to our actual sacks.

Our next column is going to be the thirty-five percent rate of harvest which the Commission adopted in the September Commission meeting, and, then, to the right of that is going to be what has actually been harvested. I will read it off.

Area II "D", zero sacks harvested.

Henderson Point, seven hundred and eighty-six sacks harvested.

Pass Dredge, zero sacks harvested.

Pass Marianne, one sack harvested.

Pass Tong, eleven sacks harvested.

St. Joe, twenty-five thousand two hundred and forty-five sacks harvested.

St. Stanislaus Toning Reef, two thousand seven hundred and twenty-eight sacks harvested.

Telegraph, zero sacks harvested.

That brings us to a total of twenty-eight thousand seven hundred and seventy-one sacks harvested for the western Sound which puts us right at the thirty-five percent, slightly over, and, at that point, the reefs closed in the western Sound.

The table right below is just going to be the western reefs combined with Biloxi Bay. I do have some additional slides for Biloxi Bay, but I wanted to look at the total harvest for Mississippi which would be thirty-

one thousand three hundred and thirty sacks, again, right at the thirty-five percent rate of harvest.

At this point, we would recommend that the reefs remain closed.

Here are my slides on Biloxi. This is the harvest zone, Biloxi Bay Growing Waters, Area V "A". You can see the seventeen acre cultch plant, and we have the ninety-one acres in Shearwater. That is where the majority of the harvest took place; the majority of the effort, as well.

Something else notable on this map that you have not seen, we added three additional water quality sampling stations. Right on the Highway 90 bridge, if you can see that, where the red and the light green are, and the purpose of that is to acquire data. If the water quality data supports it, we would be able to move the harvest line to the bridge. It would open up more room for development and harvest towards the future. It would also make it maybe more easily enforceable for law enforcement, being that the bridge would be the line.

This area opened up November 1st, and we harvested through November 8th. A total of two hundred and sixty-five trips were taken. Two thousand five hundred and fifty-nine sacks were harvested, with an average of around ten sacks per trip. The limit for this area is

fifteen sacks.

Here we have a picture of opening day, and you can see Deer Island in the background. This is something that we have all anticipated, and we feel like Biloxi Bay is going to be a bright spot, moving forward into the future, for oyster harvest.

Any questions?

COMMISSIONER GOLLOTT: Erik, congratulations. That really looks good. I'm so proud that Biloxi Bay finally got open, and it was a lot of y'all's hard work that did it.

I'm going to make a motion here.

After consideration of the staff's presentation, I would like to make a motion. I move that all western reefs be open from November the 17th through November the 22nd and from December the 15th through the 20th. That would give us two five-day limited harvest times in the western Sound, and that would help the dredge fishermen for Christmas and Thanksgiving.

I would like to get a second on that, if I could.

COMMISSIONER HARMON: I'll second that, Mr. Chairman.

COMMISSIONER HAVARD: Can we open this up for discussion?

COMMISSIONER GOLLOTT: It will be, now.

JAMIE MILLER: We've got two who made requests to speak on this particular agenda item, if they are prepared to speak, now. First if James Miller, and, then, Mr. Tolar.

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

If we took half the time you did for that speckled trout for our oyster industry we would be in great shape, but we're not.

We haven't restored our Sound. Closures. Closures. We are starving to death. We need work. We need to restructure our Sound out there and transfer oysters, relays.

I appreciate the five days you asked for, Mr. Gollott. It really helps us because we are struggling, since the oil spill.

I don't know how to say this anymore. You are about to put me out of business. I'm getting to where I don't even want to go oystering, now, and it's my passion, like a football player, or baseball player, and I'm really disturbed because we've got all these intelligent people and scientists, and we just can't grow these oysters, or move them, and do the right thing for the fishermen.

Maybe we need to hire these fishermen to do some

of this restoration work because, if you think the Conservationist boat is going to do that reconstructing of the whole Sound by itself, you are confused. We need the public to go out there and restore our Sound soon, not 2025.

I will be seventy years old. I'm ready to do it, now. We've got the money available. It's here. MDEQ has got it for us. Let's use it. Let's give to the fishermen some. We are struggling since the oil spill.

I understand what the scientists say, the oxygen and all that. Well, I'm not about that. The fresh water. Something is killing our oysters out there year after year.

If we don't start plowing our grounds up with our dredge, planting cultch, re-seeding our areas, what are we going to do for next year, Pass Marianne?

You have just seen the status, zero sacks. That is devastating to our industry.

We just want some work. I don't know how you are going to put us to work. It's our industry and we are suffering from it.

I'm a fisherman and I'm lost for words because I'm tired of struggling to pay my bills every month, with this oystering, and it used to be a gig I loved. When I show up to work, I'm really disturbed that I am only going

to work twenty days in a year, a six-month season.

I'm sorry I've got to be so negative about how I feel, but time after time I have come up here. We have got to do something for the fishermen. We are struggling, and I appreciate that y'all are listening to us, but we need help, and we're not getting the help we need, and we're not welfare people.

I work some people in the ground. I make you go to bed every night; don't want to come to work tomorrow. I'm ready.

I just want to replenish our reefs and do it in the right way with our fishermen because our community is suffering. The Vietnamese, the American, the Black, we are all suffering out there.

Come on my boat. Come on out there. Take a trip with me. I will let you see what is happening. It is terrible.

I've been doing this since I've been four years old and, like Mr. Gollott said, there are areas out there we need to cultivate that you are trapping us where we can't get to them.

I have never tonged in my life and I'm tonging, now, and I'm like him. I want to cultivate these areas that have oysters that have been there for fifty years. It's time to take them. We are starving and we're here.

I love y'all, and thanks for listening to me, and God bless you.

COMMISSIONER GOLLOTT: Thank you, sir.

Mr. Tolar.

ADAM TOLAR: Good morning. My name is Adam Tolar.

My only comment is about the last day that y'all let us oyster. Whoever's job it was to call and leave it on that oyster hot line and tell us not to go to work, they didn't do their job.

I got up out of bed and I called that number, and I'm struggling. We are starving at my house.

I went to work. I got out there and I went to work. I did my job, and, then, I got a phone call out there saying I had to take those oysters and dump them back out, and, then, I had to go home and look at my wife and tell her that y'all wouldn't let me go to work. After I went to work, y'all told me I had to dump my oysters back overboard.

It isn't right, and I don't know what needs to be done, or who is responsible for it, but, at 9:00 o'clock that morning, when I called that oyster hotline again on the way back home, it was still the same. Nobody had changed it. Nobody had done anything about it.

To be told that the data wasn't there, or the

personnel, or the resources, I don't believe that, and I just think that somebody should be held responsible. We should be compensated in kind of way, or something, because we are struggling bad out there.

I'm a seventh generation fisherman, and this is killing my family and it is killing me.

I don't know what can be done. I don't know who to talk to. Something needs to be changed because we are dying.

I go out there and I work because I love south Mississippi and I love being able to go out there and provide that service. I like people to be able to eat seafood. I like to be able to put it on my plate for my family.

We got to work thirty-something days last year. Then, we got out there this year and, now, we're dead. We can't even work where we've been working.

I don't know what is going on. I don't know whose responsibility it is, but somebody needs to be held accountable for this because I'm losing out.

Thank y'all for y'all's time.

COMMISSIONER GOLLOTT: Thank you.

John Livings.

JOHN LIVINGS: Good morning. My name is John Livings.

James Miller spoke on some of what I was talking about, what I was going to say.

I talked to a few of the biologists about the reef shape, right now, in front of the harbor, the tonging reef, Henderson Point, Pass Marianne and, from he has told me, they know for a fact we are not going to have any oysters next year on those reefs.

I just asked them, "Well, what can we put into play and plan now to do something so we know we have something for next year?"

And the only response I've gotten so far is mother nature. Well, there has got to be something better than that.

I asked about if there was any way -- the Conservationist can't do it all by itself. It can't take care of the whole reef. It's impossible -- some of the boats could maybe go drag some of the boxes that are still closed to open those shells up, put some rocks on them and maybe put some seed oysters on them so we know we have something for next year, and not just hope that there is something. There is no way miraculously we are going to have oysters.

It's just like plowing a field up and putting no seeds out. You don't get any corn. You don't get nothing. It's dead.

There was a very, very limited, one little spot on Henderson Point that had a few oysters, but it is definitely not enough to produce a spat for the whole tonging reef. Nothing at Pass Marianne.

If we don't take some kind of actions to let all the boats take the bags out of their dredges and level -- because we found spots where they looked alive. We caught them, the dredge full, and we were actually culling them in the sack. They were still closed, and one of them happened to break open, and there was no meat in any of them, when we went back and busted all the shells open.

They are just closed tight boxes with nothing. No spat can stick to the inside of it. It's got slime on the outside. If we don't do something to try to cultivate the reef, for sure we will have nothing next year, other than maybe St. Joe, and that one reef can't sustain the whole fishing industry.

That's all I had to say. Thank you.

COMMISSIONER BOSARGE: Did I understand that right across the line in Louisiana they opened up a bunch of area this side of the river and they left that -- I think they call it the Mississippi Sound and something -- closed because they just had a pretty good spat set?

JOHN LIVINGS: I'm not sure.

I thought you were talking about the opening by

Half-moon?

COMMISSIONER BOSARGE: Yes. I believe it was just over the line.

JOHN LIVINGS: Yes. It's a little bit southwest of St. Joe.

COMMISSIONER BOSARGE: They left that area closed because they had a pretty good spat set.

JOHN LIVINGS: There were oysters there, a lot. I've got to where -- I worked that reef, when they opened it. We took nine hundred and something sacks in four days. It was a pretty good reef, but it was cultivated.

It had limestone and crushed concrete. I think all of New Orleans was there because we were catching oysters that were stuck to tile. It made a big difference, but they took the steps to put some seed out so we would have some, so there would be a product to catch. If you do nothing, you are going to reap nothing.

That's all I had to say.

COMMISSIONER GOLLOTT: Thank you, John. I believe you are right. We are going to have to do something aggressively to bring that reef back.

JOHN LIVINGS: Yes, sir. Thank y'all.

COMMISSIONER GOLLOTT: At this time, we have a motion and we have a second.

Can we have a vote on it?

All those in favor say aye.

COMMISSIONER BOSARGE: Repeat that motion one more time.

COMMISSIONER GOLLOTT: It's on the screen.

COMMISSIONER BOSARGE: I'm not used to having these monitors.

COMMISSIONER GOLLOTT: We need to take a vote on this.

SANDY CHESTNUT: Before you take a vote, I just want to make clear that if you do vote to open areas during these limited times, it is still subject to the mandatory closures that are governed by ISSC guidelines. The department will still have the authority to close, based on those guidelines.

COMMISSIONER GOLLOTT: All this is doing is giving the fishermen a little break before Thanksgiving and a break before Christmas.

COMMISSIONER BOSARGE: Do you still vote that we need to continue to hammer on the area that we have already been working on?

COMMISSIONER GOLLOTT: Thank you for asking that.

I have been told by several oyster biologists that it makes no sense to leave a marketable oyster out there, that the oysters that are being culled and left

there produce millions and millions of tons of spat. They have got the opportunity to repopulate the reef.

I never did agree with the thirty-five percent, stopping at thirty-five percent. I have been told by the fishermen and biologists that it won't hurt this area, ten days. It would give the fishermen a big boost for Christmas and Thanksgiving, and give that area, the people in Pass Christian a chance to retail some oysters and help it all the way around.

COMMISSIONER HAVARD: I think we need to look at this first map that talks to the west side of the State waters.

JOE JEWELL: I want to interject here just slightly, Commissioners.

As I understand the motion, it would be for dredging only. It would not include tonging for the western areas.

COMMISSIONER GOLLOTT: No. For tonging, also.

JOE JEWELL: Dredging and tonging?

COMMISSIONER GOLLOTT: The way I understand it, if Biloxi is open, they are not going to tong in the Pass anyway because the oysters are bringing much more money in the Biloxi than the Pass.

JOE JEWELL: Right.

COMMISSIONER GOLLOTT: Perhaps if Biloxi would

be closed due to rain, maybe they could go back to the Pass, or something. It's just trying to give us a little insurance that the fishermen could make a little something before Christmas.

JOE JEWELL: Then, I want to note for the record that the 17th is this Thursday, and we have removed the check station from the Bayou Caddy area. It will take some time for us to position that back down there. I just want the Commissioners to note that. Thank you.

COMMISSIONER HAVARD: What I was about to say, guys, I think we need to look at this map of the western part of the State waters and really look at the numbers.

COMMISSIONER GOLLOTT: Can you bring the map up?

JAMIE MILLER: There you go.

COMMISSIONER HAVARD: Twenty-five thousand sacks have been harvested off of the St. Joe Reef. What the scientist showed last time, that was over eighty percent of the harvestable oysters that were there.

Comparatively speaking, there was no catch anywhere else in the western Sound, and we went to the St. Joe Reef and harvested eighty percent.

Is there going to be any harvest there next year?

COMMISSIONER GOLLOTT: Well, you have everything under three inches that will be there next year. That's

the idea of culling an oyster is to leave next year's crop there and only take the ripe fruit this year.

Chief Davis proved that the fishermen were catching good oysters. They weren't coming in with a whole lot of small oysters.

COMMISSIONER HAVARD: We set that thirty-five percent limit out there for that whole oyster sound, and it looks like eighty percent of it came from St. Joe Reef.

I think next year we need to look at individual reefs and come up with some kind of number, a percentage of harvest off of individual reefs where this won't happen again.

Eighty percent, that's huge, and that's what I just wanted everybody to see. Look at the numbers.

COMMISSIONER TRAPANI: The estimated amount of oysters they are saying was on St. Joe was twenty thousand three thirty-six, but what was harvested is twenty-five thousand two hundred and forty-five.

I understand that is an estimate, but you are telling me there are twenty thousand and, now, they have harvested twenty-five.

Do you really know what is out there because you are getting more than what you said was even there?

That's a little off, right there.

ERIK BROUSSARD: That's a great question, and

that is something that Mr. Jewell kind of commented on earlier.

When we do our summer and spring reef assessment, we are looking at just the reef itself, what historically would be known as the reef. There are some areas, in Area 1 "B", that weren't identified.

Those areas have been identified this year and will be included moving forward. There are smaller areas, but there were some small spots that had a few oysters on them.

COMMISSIONER TRAPANI: What you are saying is this number is actually not the right number?

ERIK BROUSSARD: It is the right number for the reef area that we present to you.

COMMISSIONER TRAPANI: But there are other reefs that have oysters on them that y'all did not sample?

ERIK BROUSSARD: There are some small spots, yes.

COMMISSIONER HAVARD: Just by looking at those numbers, guys, they are saying estimated sacks is twenty thousand sacks. We harvested twenty-five thousand. That's a hundred and twenty-five percent more than we said were out there.

I understand there are additional oysters out there. When you guys do your square meter sampling,

that's a best estimate you can give. I get that.

We harvested a hundred and twenty-five percent of our best estimate.

ERIK BROUSSARD: I also might add that once we reached about the twenty thousand mark, it was taking the fishermen longer to come in with their limit, if they even caught their limit. Whatever was out there, it wasn't much more than what we presented to you.

COMMISSIONER TRAPANI: There are different people that have different techniques that are better fishermen.

ERIK BROUSSARD: Across the board, it took longer for people to come in.

COMMISSIONER GOLLOTT: St. Joe is a hard place to dredge. If you don't know what you're doing, you are not going to catch oysters there.

I don't believe you have the estimate near right on St. Joe.

A year before that, Scott Gordon recommended we not even open the area. We opened the area, harvested out there, and, then, what did we transfer out of there?

ERIK BROUSSARD: Forty thousand sacks.

COMMISSIONER GOLLOTT: Forty thousand sacks, and we still had this estimate.

ERIK BROUSSARD: Just to be clear, when we are

talking about sacks of relay material, that's anything that has an oyster attached to it.

When we are talking about sacks of harvest, we are talking about just market size oysters.

COMMISSIONER GOLLOTT: That's my point. You are not going to hurt this reef, by taking the marketable oysters off of it because you are leaving next year's oysters out there, as long as our enforcement makes them cull them.

COMMISSIONER BOSARGE: I tend to disagree. I believe that that area has been worked hard enough for this year.

I made a motion at the last meeting that we close that area, but leave everything else open.

Now, I would like to make an alternative motion to your motion that basically states that if you want to do this, if we are going to open for two distinct short seasons and it's in the western Sound, that we don't open St. Joe Reef. We open everything else and do it some good. Let them get out there and turn it up, bust it up, and keep that St. Joe Reef closed.

JAMIE MILLER: Sandy, Commissioner Bosarge has asked for what I would call a friendly amendment that doesn't have to be accepted and it could be accepted.

SANDY CHESTNUT: Right.

COMMISSIONER GOLLOTT: As the one that made the motion, I don't accept it.

JAMIE MILLER: John, to clarify what you have typed up here, the motion is to open oyster dredging and tonging.

When we refer to the western areas, we are talking about Area 1 "B" which is St. Joe and all of the areas that we refer to as Pass Christian.

I just want to make it clear that the western areas would include Pass Christian all the way to the western area of St. Joe and Area II "B".

JOE JEWELL: That includes Area II "D" between the bridges?

That is part of the western complex, too.

COMMISSIONER GOLLOTT: Bring up that map again and let's see what you've got.

Did we harvest anything out of Area II "D" this season?

JOE JEWELL: No.

COMMISSIONER GOLLOTT: Don't include Area II "D".

We have a motion and we have a second.

COMMISSIONER TRAPANI: Mr. Chairman, if we are going to vote on this, I would like to suggest something.

COMMISSIONER GOLLOTT: Go ahead.

COMMISSIONER TRAPANI: Our next meeting is December the 20th.

Correct?

COMMISSIONER GOLLOTT: Correct.

COMMISSIONER TRAPANI: I would say that if we are going to vote on this, maybe move the days another five days into that because why don't we vote on opening it that week, see what they get, see if the are getting oysters, and, then, vote on another five days?

I see we have problem with the conflict where the meeting is, but, instead of just giving them ten days, you could do five. See what you have. See if it's worth what the catch is, and, then, go back to the table and build on that.

COMMISSIONER GOLLOTT: I would accept that, but the 17th to the 22nd is strategically laid out. It's before Thanksgiving. They can be marketed. You don't want them coming in the day before Thanksgiving because nobody is going to get any use out of that.

You want to amend the motion?

COMMISSIONER TRAPANI: Yes.

COMMISSIONER GOLLOTT: To open it from the 17th to the 22nd?

COMMISSIONER TRAPANI: Yes, and take December off and see what they actually get, are they getting

oysters, instead of them going in and we run the chance of maybe -- I understand it is cultivating the reef -- tearing up the reefs.

We are here to help these fishermen. They are trying to make a living, but we have to protect our reefs and we also have to grow these reefs.

If they come back and they haven't found anything in November, well, maybe December never needed to be open.

I think we should just do five days and see where that gets us.

COMMISSIONER GOLLOTT: Moving the Commission meeting so we would have enough time to do this, would that be an option, in December?

If we had the Commission meeting on the 13th, would that be a problem?

COMMISSIONER HAVARD: We are modifying the motion, then?

COMMISSIONER GOLLOTT: Yes.

JAMIE MILLER: Let Sandy sort it out.

SANDY CHESTNUT: We need to go back to Commissioner Bosarge's friendly motion and ask for a vote on that, before we proceed to the second amendment.

Commissioner Bosarge made a proposed amendment. We need to vote on that, and, then, it is going to

override the original motion, before we proceed.

COMMISSIONER GOLLOTT: I thought you said it was a friendly motion.

COMMISSIONER BOSARGE: If I'm not mistaken, Roberts Rules says if I have an alternate motion.

SANDY CHESTNUT: An alternate motion.

COMMISSIONER BOSARGE: I make an alternate motion. You ask for a second and, if we don't get a second, that motion dies.

SANDY CHESTNUT: Right.

COMMISSIONER BOSARGE: If it does get a second, then, you vote on it, and, then, if it fails, it goes back to your motion.

COMMISSIONER GOLLOTT: Fair enough.

JAMIE MILLER: Let's make sure we get the motion.

The alternate motion made by Commissioner Bosarge was to open oyster areas for dredging and tonging, but to exclude the area referred to as II "B", St. Joe.

ERIK BROUSSARD: It would be Area I "B".

JAMIE MILLER: Exclude Area I "B", John.

COMMISSIONER GOLLOTT: One of the problems I have with that is most of the oysters are in that deep water in the channel, the big oysters, and they are full of muscles and everything. They really need working which

some of the fishermen had started working it, before it was closed, but they didn't get a chance to really work it because it is hard to work it.

Do we have a second on Commissioner Bosarge's motion?

COMMISSIONER HARVARD: That is an alternate motion?

COMMISSIONER GOLLOTT: Yes.

(No response.)

COMMISSIONER GOLLOTT: With no second on that motion, it failed.

We need to go back to discussion. Commissioner Trapani would like to split this up.

If we do, what I would like to do is move the Commission meeting to December the 13th so we would have time to open it for the 15th, if everything works out.

Would the staff have any problems with the 13th?

JOE JEWELL: The actual Commission meeting on the 13th?

COMMISSIONER GOLLOTT: Yes.

JOE JEWELL: The staff would not have an issue with the Commission meeting on the 13th.

COMMISSIONER GOLLOTT: The first motion would be just to open it November the 17th to the 22nd, and, then, have a Commission meeting. At that time, then, we could

vote in December.

COMMISSIONER TRAPANI: I do have one last question.

When you are doing the stock assessment of the oysters, are you also taking what is in that channel?

ERIK BROUSSARD: Yes, we do sample in the channel.

JOE JEWELL: Commissioner Trapani, I want to point out because you have a lot of questions about that. We talked about that before. I pointed out early in this Commission meeting -- can we bring the map back up?

I want to clarify that. Area I "B" is one of the largest areas in the western area. It contained St. Joe Reef. As far as reefs go, it is not one of the largest reefs, but it is one of the more populated reefs, as far as oysters are concerned. If you will notice, it is in close proximity to the Pearl River which provides occasional fresh water flushing and appropriate salinity levels for oysters. It keeps predators and disease at moderate levels that allow for high productivity of oysters.

If you will also notice at that lower level, you see that sort of sharp angular line that cuts there, that is not only the Louisiana-Mississippi state boundary, that is a channel that runs through. It is a rather deep water

channel, and that is where you hear, through the discussions today with Commissioner Gollott and Commissioner Havard, that is where a lot of resource is available.

It is in relatively deep water. It is relatively hard to get to by the fishermen. It takes a specialized gear to get there, but, consequently, it also is relatively hard to assess by our staff. There is a lot of current that moves through there. There is a lot of vessels, tugboats, a lot of shipping that moves through there. In our assessments, we have to take all that into account.

If you see the green area in there, the vast majority of our sampling, the data that was presented here, our assessments come from that area. That is what we consider St. Joe Reef proper, and those were the comments that I made earlier. The sack limits that we presented, the twenty-something thousand, and, then, you saw in Mr. Broussard's presentation we exceeded those projections because the assessment came from just that area.

We knew full well that there was resource available outside of that area, and the fisherman, once they exploited the harvestable resource that was on St. Joe, immediately moved off into those areas, and staff has

identified a lot of those areas and we intend to incorporate those in our next year sampling, but those areas are not as easy to assess as the St. Joe Reef itself because they are right along that corridor for shipping. It's a lot deeper water. It's eighteen to twenty feet. There are lot of sharp currents in there and there is a lot of vessel traffic. It is not as safe for diving activities as the rest of the reef. I just wanted to clarify that for you.

COMMISSIONER TRAPANI: Thank you.

I have one other question.

JOE JEWELL: Sure.

COMMISSIONER TRAPANI: I have a lot of questions. I'm the new kid on the block.

When you are taking the stock of oysters, are you doing them by dredging, or do y'all use the square meter?

JOE JEWELL: We use both methods. The qualitative method that we use and rely on most heavily is square meter sampling. It is the most accurate, but the one that assesses the most availability is the one-minute dredge tow.

We use both methods and both of those are presented to the Commission, when we present our opening directive presentation.

COMMISSIONER TRAPANI: Thank you.

COMMISSIONER GOLLOTT: The last motion is on your screen.

Is it all right with you, Ron, that it has been modified?

COMMISSIONER HARMON: Yes.

COMMISSIONER GOLLOTT: We have a modified motion.

All those that are in favor hold your hand up.

(Commissioner Gollott, Commissioner Harmon and Commissioner Trapani in favor.)

SANDY CHESTNUT: Did Ron second the motion?

COMMISSIONER GOLLOTT: Yes.

Those opposed?

(Commissioner Bosarge and Commissioner Havard opposed.)

COMMISSIONER GOLLOTT: Three for. Two opposed.

Mike Havard and Steve Bosarge opposed it.

Commissioners Trapani, Gollott and Harmon voted for it. It carries. Thank you.

COMMISSIONER HAVARD: Just for the record, guys, at some point we have got to think about tomorrow. If we don't stop over harvesting in some areas, there won't be any harvest next year. We need to make sure that we are in a rebuilding mode.

COMMISSIONER GOLLOTT: I think Mr. Broussard has got some solutions for us, on this next presentation.

ERIK BROUSSARD: Before we move on, is there any interest in doing anything with Biloxi Bay, Area V?

COMMISSIONER GOLLOTT: Keep it open.

COMMISSIONER HAVARD: I think there is some interest in doing something with that. I think we need to set a limit in Back Bay Biloxi. There is a reason it has been fifty years since we opened it. It's because the oysters weren't there, the water quality wasn't there.

Do we want to go in there and over harvest this year, the first year it is open in fifty years, or do we want to put some limits in place?

COMMISSIONER GOLLOTT: The reason it has been closed is water sampling only, and there have been a lot of oysters removed out of that area.

The fishermen I've been watching haven't even touched most of the reefs out there. They don't know where they are located. It is going to take them some time, but the oysters are full of muscles. They need working. I've been told some of the areas are starting to clean up, now.

You will get a better spat set, if you let those tongers tong those oysters and clean them up. Where you've got a big cluster, they bust them up and you've got

some clean area for the oyster spat to set on. They are cultivating the reef and it will help them, if we leave it open.

COMMISSIONER HAVARD: Are we going to run into the same thing that we ran into with the St. Joe Reef?

COMMISSIONER GOLLOTT: Not at all. We've got thousands and thousands of barrels of oysters right there in Pascagoula, and that's what we got this Conservationist boat to do is to start relaying and laying us up some new areas for next season.

This is done in Louisiana quite extensively, building reefs.

You are not really harvesting that many oysters out of the Bay, compared to what used to be harvested out of it.

COMMISSIONER HAVARD: The resource was there years ago. The resource, I don't think is near at the levels that it was years ago.

I'm okay with leaving it open until December's meeting, but, at December's meeting, I think we need to have more discussion on the amount of oysters that are projected to be in those areas, let's set some kind of limit on oystering in those areas, and that way we can look for next year.

I want to open it every year, but, if we over

harvest it this year, it is not going to be open next year.

We just need to get some kind of handle on what we are doing.

COMMISSIONER GOLLOTT: We have no problem discussing any of this, anything. If you want to put it on the agenda, we will. That's not a problem.

Remember, they are leaving everything under three inches out there to grow for next year. Unless we have something catastrophic happen like a flood, or something like that, those oysters will be there for next year.

Go ahead, Mr. Broussard.

ERIK BROUSSARD: As promised, we have a Conservationist update.

Here is a picture of the vessel at the boat yard. We took possession of the vessel November 4th, about two weeks ago.

We are very happy with how the vessel turned out. We have spent some time, in the last couple of weeks, kind of fine tuning and familiarizing ourselves with the vessel.

The Commission has asked us to come forth with what we envision as to how to utilize this vessel as a tool to enhance the oyster resource in Mississippi.

A big part of that plan is going to be through bedding. We have some tools that weren't always available to us in history.

We have a ten-acre staging site on the Industrial Canal in Biloxi which would allow us to buy aggregate, shell, or rock, in bulk

There are several advantages to that and I will list them.

We are going to use a hopper/conveyor system to load the boat.

We can target some small areas of prime bottom that barges just can't maneuver. They would get in and they would get some of the rock on the area that we would ask them to, but we might lose some to the mud.

We can also target areas that barges can't access due to draft constraints. This vessel is very shallow draft. We can access areas that weren't previously accessible.

This is going to give us flexibility of when, where and how we deploy the cultch which sets us up for even more success.

All of this is going to sum up for just a more effective process, cost efficient, efficiency and precision.

We can also still use the vessel to relay

oysters from higher density to lower densities, as well as use it to cultivate, exposing fresh cultch material, combating against muscles and busting down clusters, things of that nature.

We discussed the shellfish deployments, but we could also use this vessel to enhance our artificial reefs that are very popular, the low-profile fishing reefs.

We could use it as a check station.

It has been and will continue to be used for coastal cleanup, as well as a Marine Patrol remote command center on those big days in the Mississippi Sound, and, also, as a floating laboratory.

COMMISSIONER GOLLOTT: When are you going to start relaying oysters with it?

Have you set out the area in the Biloxi Bay to start relaying to?

ERIK BROUSSARD: Yes, sir. We have started to identify some areas where we would want to relay to where there is good bottom. We have done some polling in the Bay to ensure that we properly place these oysters for their survival. We can get started fairly soon. We were waiting to see how this season went.

With relaying oysters from a restricted area into an open area, there can be some conflict there. We were just kind of waiting to see how this played out.

COMMISSIONER GOLLOTT: How many sacks of oysters can that thing haul at one time?

ERIK BROUSSARD: Comfortably, fifteen hundred sacks.

COMMISSIONER GOLLOTT: So, roughly, you can move about fifteen hundred sacks a day, under good conditions.

ERIK BROUSSARD: Correct.

COMMISSIONER GOLLOTT: I would be interested in seeing you get started pretty quick, before we get these real super low tides, so that you can get in there and move them.

ERIK BROUSSARD: That will be what we are fighting against. The Pascagoula reefs are fairly shallow, three foot. We will have to fish the tides.

COMMISSIONER GOLLOTT: Can you get in and out of Graveline, now?

ERIK BROUSSARD: I believe so. They just did a project where they widened the channel and deepened it. We haven't taken the boat in there, but I'm pretty sure we can get it in there.

COMMISSIONER GOLLOTT: Let me ask Joe a question.

What does the sampling look like from Graveline and Pascagoula?

Does it ever look like we could get that open

like we did Biloxi Bay?

JOE JEWELL: Erik and I had been discussing that. I know that is of particular interest to the Commission in general, and Commissioner Bosarge has actually been asking that question for a couple of years, now.

We have initiated a water sampling regime in Pascagoula-Graveline between the causeway bridge area. We have established new water sampling stations. We have targeted them in areas so that we can sort of micro manage them and try to open areas like we have done in Biloxi Bay.

As we have done in Biloxi Bay, not only do you have to have long-term sampling stations and the long-term data base, but we have to have a number of samples that are collected under adverse conditions, and we have started that this year.

We are quite hopeful in that and we are quite hopeful to have positive results like we've had in the Biloxi Bay area, and we intend to update the Commission as those results come in and become available.

COMMISSIONER BOSARGE: Being from Jackson County, I would much rather see those oysters caught in Jackson County than hauled off and caught in the other end of the state. Here in Jackson County, we need all the

help we can get. That's a good industry and it brings people here and they buy goods and services and rent boat slips, and that's what we need here in Jackson County.

COMMISSIONER HAVARD: When you start moving some oysters from Jackson County, I would like to see some of the cultch plant be put in Jackson County to increase the reefs in Jackson County.

JOE JEWELL: Absolutely. Now, those are two separate issues, and Mr. Broussard has taken the lead in reclassifying those areas and micro targeting them.

The cultch planting, certainly, is one of the issues that we have on the table and we have been discussing with our Executive Director when and where and how to make those the most efficient bang for the buck. We have selected areas within Biloxi Bay and Jackson County that we think would be most productive for those areas, in addition to our western reef areas.

We are considering all of those areas as part of the cultch planting activities, certainly.

COMMISSIONER BOSARGE: Joe, if possible, when we do some of these relays, if we could maybe try to target more of the oysters towards the causeway, that end of the reef, I think most of the people here would feel much better in that those oysters would do better in a different spot. In other words, they would actually

thrive more.

That is the end of the reef that maybe, in my opinion, is not as healthy as the rest of the reef. If you could take those oysters and move them to a place where they could actually thrive, do a little better, in my opinion, that would be a better place to pull the oysters from.

JOE JEWELL: Absolutely.

COMMISSIONER GOLLOTT: Is there any way you can give us, the Commission, in the future, some kind of idea of what exactly your plans are and how you plan to implement the cultch plants, where you plan do it, and kind of give us a blueprint on what you are going to do with the Conservationist and cultch material?

JOE JEWELL: Well, I think Mr. Broussard has given an update for the big general picture of what we are going to do.

Now, as we move forward -- of course, we've got a lot of activities that are going on simultaneously within the Shellfish Bureau. It takes a lot of micro planning to achieve all those goals simultaneously, but, as we start moving forward and we implement specific targeted areas for that, we absolutely plan to update the commission as those activities move forward, certainly.

COMMISSIONER TRAPANI: I would just like to add,

if we are going to move these oysters and relay them with the Conservationist, we should probably look at this map and find the ones where we are having zero catches, and make sure some of those oysters are getting relayed over there because those are our biggest problem areas, not just Biloxi Bay, and you did mention to the west, that y'all were going to move them, but I think we need to really pay attention to those areas and cultivate those reefs that we are getting zero catches from, to really pay attention to those, also. Evidently, there is a problem with those.

JOE JEWELL: There is, and we have to be very targeted in where we get the biggest bang for the buck, when we do cultivation activities.

Now, in those areas, particularly the most southern reef areas, some of those areas because of the high salinities -- the salinity regime has changed in the western Mississippi Sound, and there are probably several different major reasons why that has happened, but, in those areas in the most southern areas, particularly like Telegraph, we are probably not going to get the biggest bang for our buck by cultivation activities, or shell planting activities, or cultch planting activities, in that area because, while we have noted significant spat sets in that area, they tend not to last either for

predation, or disease, because of the high salinity.

If we cultch plant in that area, we are not going to get what we really necessarily want which is high spat set and high lasting oysters on there.

We have moved and plan to move most of our cultch planting and relay activities inshore more to the north so that we can maintain those activities and expand our oyster resources in those areas.

It is unfortunate that because of some of the degradation of the Biloxi Marsh environment, we have seen higher salinities in our southern reefs. We are not going to get the effort that we want out of those southern areas, but we are considering all areas that we can in the western reefs and expand in those areas that we can.

COMMISSIONER TRAPANI: Is the salinity problem due to no rain?

JOE JEWELL: That does have some impact, absolutely, but those generally happen on the short term level, and the bigger effort that we are seeing is on the long-term level, and the higher salinity regime that is occurring is in a long-term effort that is happening, now.

COMMISSIONER TRAPANI: Thank you.

COMMISSIONER GOLLOTT: Thank you very much.

Kacey Williams.

KACEY WILLIAMS: Good morning Commissioners,

Director Miller, Ms. Chestnut.

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

We have a State revenue of seven point two million.

Our total Agency revenue is twelve point three million.

Our State net income is three point seven million.

Our total Agency net income is two point two million.

After four months of this fiscal year, we have eighty point nine percent remaining of our Operating Budget, and seventy-one point one percent of our Tidelands Budget. We are looking pretty good, right now.

Any questions?

(No response.)

KACEY WILLIAMS: Thank you.

COMMISSIONER GOLLOTT: Thank you, Kacey.

Melissa.

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

The Agency was mentioned fifty-one times in local, state and national media, since the October CMR meeting.

The biggest news item was the opening of the Biloxi Bay reefs for oystering, as well as the proposed speckled trout regulations and the boats that we had on display last weekend.

Marine Patrol held one boat-and-water safety class with three students, since the last meeting. So far in fiscal year 2017, they have held nine classes with sixty-four students and, also, participated in Cruisin' the Coast fireworks, Renew Our Rivers, Jackson County Conservation Day and Career on Wheels.

We also had several other agency employees that participated in events in October and November, including Career Day at Pass Road Elementary. We also had Jessica Rankin from Seafood Technology and Baron O'Grady from Marine Patrol that represented DMR at that event.

Fisheries staff members Jonathan Barr and Megan Fleming participated in the Jackson County Conservation Day.

We had our public event on Saturday, November 5th, in which we had several Marine Patrol boats and the Contender from Marine Fisheries, and we had quite a few people that showed up and asked questions. Our staff was there to be able to talk to them and explain to them what we would use those boats for.

Our Chief Scientific Officer, Kelly Lucas, is

featured in this month's Gulf Coast Woman magazine, talking about safe seafood and Mississippi seafood and the importance of that. We have some copies of that for you, if you would like one.

Thank you.

COMMISSIONER GOLLOTT: Is there any other business, other than going into closed session, to come before this Commission?

(No response.)

COMMISSIONER GOLLOTT: Do we have a motion to consider going into closed session?

SANDY CHESTNUT: Do you have any other public comments?

JAMIE MILLER: Are there any other public comments?

RANDY BOSARGE: Yes.

JAMIE MILLER: Come on up.

RANDY BOSARGE: Randy Bosarge, Jackson County Supervisor.

Commissioners and Director Miller and staff and all the people here, we want to welcome you to our boardroom, and feel free to use it anytime you want to. We love having a couple of meetings a year in Jackson County, and I think you see that it is well attended.

I'm here this morning to thank you for opening

up a reef in Jackson County. Even though it was a short-lived opening, I think you saw that there were over forty boats the first day.

I was there the first day. I stayed there half the day and I have been there every day that the boats were coming in, and I have to share with you that I did eat the first oyster that was opened and tested by the Marine Patrol folks and I'm still here. It was great. It was probably one of the best oysters I've had, and, then, the third boat that came in, I conned them out of a couple of oysters, and I'm still here.

I want to thank y'all for doing that, and I look forward to working our way from the west to the east. Let's get some more reefs open, and let's get Jackson County oysters back on the map because we have done a lot of infrastructure projects over the years to clean up our waters, and I believe they are only going to get that much cleaner.

I appreciate your vote today on the speckled trout issue. I'm going to call it speckled trout. Y'all call it seatrout, or whatever. I call it speckled trout. That's what I catch. I appreciate your vote on that, and I know all the small business people in Jackson County appreciate your vote on that.

I just want to let you know, on behalf of myself

and I know the other board members -- we sat here yesterday for seven hours talking about our restore money that is coming in and all that -- we will help you restore our waters out of this restore money that is coming in from BP. I promise you. Probably half of our meeting yesterday was talking about restoring.

COMMISSIONER GOLLOTT: How much can we count on you for?

RANDY BOSARGE: Everything we can do, believe me. We will go to Jackson with you. We will do whatever we have to do, but we want to restore our waters. That is the most important thing.

We have a one-time shot. I know y'all know this and I hope the public realizes this. We have a one-time shot with non-payback money. We don't have to pay this money back, but we have a one-time shot to not only correct the damage that was done by BP, but to get the future of our waters great for all the other young folks.

The only other thing I would like to say is don't count these oyster fishermen out. Let them help you. We will figure out a way. We will figure out a way to pay for them.

If we've got to get some laws passed, we will pass them, but these oyster fishermen, they might not have a paper degree on biology and stuff, but they've got a

degree in catching oysters. They've got a degree in knowing how to make these oysters grow, and I'm just telling you we've got to use that resource that these folks present, in helping to restore our reefs. It's just a valuable resource that you can't look past. You have got to reach out and use it.

We will figure out a way to pay for it. We are going to have the money coming in, and we will figure out a way to pay for it, but don't let these folks go unused. Use them. They want to be used. Pay them. Let them help. One boat can't do it all. These guys know where the oysters are. They know how good they are. I'm willing to take advantage of that because who better else to replenish the reefs that they use. They use them. Let them replenish them, and we get the best of both worlds.

I thank y'all for being here with us. Feel free to come back any time, and thank you for what you do.

COMMISSIONER GOLLOTT: Thank you, Randy.

Any other public comments?

BOB CARROLL: Yes, sir. I didn't make it to the agenda, but I've got several things that I would like to ask.

COMMISSIONER GOLLOTT: Your name, sir?

DONALD CARROLL: Donald Carroll. I'm a resident of Pascagoula. I was raised in Moss Point. Been living

in Pascagoula for forty years. I grew up out in Orange Grove.

Everybody is addressing west Jackson County. From what I have assumed in here today, we've got all the experts, and the best thing that I could come up with is water quality drives oysters.

From the causeway to Ocean Springs, how many existing reefs are out there, right now?

I need to know. I mean, we've got people here that are experts.

From the causeway to Ocean Springs, how many reefs exist?

I know, as a kid, my daddy oystered out there. He worked at the paper mill and he oystered there on the weekends. They did Graveline and they did on the outside out there, so I know there are oysters out there. I have shrimped out there. I know there are oysters there, but we are talking about water quality.

First of all, it should be a public notice.

Is it a public notice?

Can I go anywhere and find what the water quality is?

Is that available?

Water quality should be out to the public because that's just like if you decide to go swimming, you

see it on TV that, in Biloxi and Gulfport, the beach is closed because of water quality, and the point that I'm getting at, you just opened Biloxi which is great. That is really great, and outside of Ocean Springs, but you've got two Pascagoula rivers dumping here.

I'm no scientist. I have fished and lived on the bayous all my life, but water quality couldn't be any worse here than it is over there because, if you take everything that is west of the causeway, all that water that is coming out of the rivers is going out east of there.

If it is Fecal Coliform, or whatever it may be, to me, I would think that the water quality is better on the front of the beach out here from the causeway to Ocean Springs than it would be in the Bay over in Biloxi. Like I say, I'm not a scientist.

The second thing is what are y'all doing about getting the eastern part of the county open?

Is it water quality that has it closed?

Can y'all give the reports on that, what the water quality is, in shutting it down?

I know, in the meetings I've been in before, they said, well, the birds were pooping in the water and causing it to do that. Then, the next thing was over in Bayou LaBatre, the sewage was dumping in there.

COMMISSIONER GOLLOTT: They are saying that there are stations and they are setting up more stations to monitor the water quality.

The water quality is worse in Pascagoula, right now, and in Graveline Bayou than it is in Biloxi Bay.

Biloxi Bay is on the outside of Ocean Springs. It's not right up in behind Biloxi.

DONALD CARROLL: Yes, sir. I understand that, but you've got the whole Bay.

COMMISSIONER GOLLOTT: And it's deeper water than you've got off of Pascagoula.

DONALD CARROLL: Well, let's talk about by --

COMMISSIONER GOLLOTT: (Interposing) You only have five minutes and you are just about out of time.

DONALD CARROLL: All right. Well, let's talk about Bayou Cumbest.

What is the problem out there?

COMMISSIONER GOLLOTT: I don't know about that, but I'm sure, if you will call Joe at the DMR, he will be able to go over some of this stuff with you, or put somebody with you that can help you.

DONALD CARROLL: Okay. Something else, while I'm talking.

You've got commercial fishermen which they make a living by it. You've got retired people that are exempt

from license, period.

On hook and line, why can't you exempt people that are retired?

If they can supplement their income, then, they should not have to pay that cost.

COMMISSIONER GOLLOTT: That is State law, and we can't change that.

DONALD CARROLL: Y'all have nothing to do with it?

COMMISSIONER GOLLOTT: We don't have any jurisdiction over State law.

DONALD CARROLL: Well, I didn't know. I just wanted to bring it out because you've got a lot of people that are on fixed income that could commercial fish. They are exempt for all license in the State and it's a State thing. I guess I need to go to the governor with it, then.

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

DONALD CARROLL: And I appreciate it. Thank y'all.

COMMISSIONER GOLLOTT: No more public comments.

Let's have a motion.

JAMIE MILLER: You need a motion to go into closed session.

COMMISSIONER HARMON: Mr. Chairman, I would like to make a motion we go into closed session to determine the need to go into executive session to discuss pending litigation.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER TRAPANI: I'll second the motion.

COMMISSIONER GOLLOTT: We have a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

(Whereupon, a short recess was taken.)

COMMISSIONER GOLLOTT: I call this meeting back to order.

Sandy.

SANDY CHESTNUT: Yes, sir.

At 12:20, a motion was made by Commissioner Harmon to go into closed session to discuss the need for executive session to discuss pending litigation. That motion was seconded by Commissioner Trapani.

The Commissioners present were Richard Gollott, Steve Bosarge, Ron Harmon, Mark Havard, Jolynne Trapani, legal counsel Sandy Chestnut and Sean Morrison, and Executive Director Jamie Miller.

At 12:29, the motion was made by Gollott to go into executive session to discuss pending litigation. That motion was seconded by Bosarge.

Legal counsel give a synopsis of pending litigation. There were no motions made during executive session.

At 12:45, a motion was made by Commissioner Bosarge to end executive session. That motion was seconded by Commissioner Havard.

That concludes the report.

COMMISSIONER GOLLOTT: Thank you.

Do we have a motion to adjourn?

COMMISSIONER BOSARGE: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion to adjourn.

Do we have a second?

COMMISSIONER HAVARD: I'll second the motion.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Adjourned.

(Whereupon, at 12:50 o'clock, p.m., the November 15, 2016, meeting of the Commission on Marine Resources was concluded.)

CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the November 15, 2016, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

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