

# Commission on Marine Resources

3

## COMMISSION ON MARINE RESOURCES COMMISSION MEETING

Tuesday, August 16, 2016  
9:00 a.m.  
Bolton State Building Auditorium  
1141 Bayview Avenue  
Biloxi, Mississippi 39530

### Commission Members:

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

### Also Present:

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

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2

COMMISSIONER GOLLOTT: Good morning everyone. I would like to welcome you to our regular August meeting of the Commission on Marine Resources.

First, we will say the Pledge of Allegiance and ask Jamie miller to lead us.

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER GOLLOTT: Next we have approval of the minutes.

Do we have approval, or any modifications to the minutes?

(No response.)

COMMISSIONER GOLLOTT: No modifications.

Do we have a motion?

COMMISSIONER BOSARGE: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER 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.)

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COMMISSIONER GOLLOTT: Motion carries.  
Next is approval of the agenda.  
Do we have any modifications?  
(No response.)  
COMMISSIONER GOLLOTT: No modifications.  
Do we have a motion?  
COMMISSIONER BOSARGE: I make a motion we approve the agenda.

COMMISSIONER GOLLOTT: We have a motion.  
Do we have a second?  
COMMISSIONER 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: Thank you Chairman.

As many of you know, in July, we lost one of our Commission members, Ernie Zimmerman.

We invited his family here today to participate in just a brief ceremony. We prepared a resolution that

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4

I'm going to read, and, then, we are going to present Ernie's photo and some other items to his family. If you will just bear with me for a moment while I read the resolution.

"Whereas, the Mississippi Commission on Marine Resources is a duly constituted governmental entity created to serve the great State of Mississippi, and

"Whereas, said service includes the conservation and wise management of marine resources of Mississippi, and

"Whereas, the Mississippi Commission on Marine Resources acknowledges contributions to the betterment of the fisheries of the Gulf of Mexico through significant biological, economic, legislative enforcement and administrative activities, and

"Whereas, Ernest "Ernie" J. Zimmerman served on the Mississippi Commission on Marine Resources from 2013 until 2016 as the member of an environmental nonprofit and contributed to the wise management of Mississippi's marine resources, and

"Whereas, Ernie Zimmerman was an advocate for marine fisheries conservation and restoration of all marine habitats, including coastal wetlands and marshes along the Mississippi Gulf Coast, and

"Whereas, Ernie J. Zimmerman served his

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August 16, 2016

community and state by volunteering and educating others about the importance of coastal conservation and served as a member of the Mississippi Wildlife Federation and Coastal Conservation Association's Bay Chapter in Hancock County, and

"Whereas, Ernest "Ernie" J. Zimmerman dedicated his life to his family and church through selfless service to others in need and was a loving husband, father, brother and friend, and

"Whereas, Ernest "Ernie" J. Zimmerman passed away on July 21<sup>st</sup>, 2016.

"Now, therefore, in a duly constituted and assembled meeting, the Mississippi Commission on Marine Resources recognizes and appreciates the long valuable service of Ernie J. Zimmerman to the Department of Marine Resources and marine resources of the State of Mississippi,

"Done and resolved in this duly constituted and assembled meeting of the State on this day, the 16<sup>th</sup> of August, 2016."

Each of the Commissioners have signed this document so it will become a part of the official record.

We would like to present this to you, if I could ask his family to come up so we can present a photo and some other items.

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This was the photo of Ernie that hung on our wall, as one of the members of the Commission, this was a photo of his swearing-in ceremony, and, then, this was a photo after the ceremony of family members gathered and recognizing Ernie, and, also, this was his name plate that was placed here as he served our Commission.

I want to thank y'all for being here and thank your father for great service. You have a lot to be proud of, and he did our Commission and the State of Mississippi a great service. Thank you very much.

Ernie loved these meetings, but this is going to be a couple of hours. Y'all are welcome to stay for the rest of the meeting. Y'all are welcome to leave at your convenience. Please don't mind us. Just leave whenever y'all are ready. Thank you for being here.

COMMISSIONER GOLLOTT: We have a dignitary in the audience, Mr. Mike Seymour.

Would you stand up, Mike, and let everybody see who you are?

MIKE SEYMOUR: Thank you.

COMMISSIONER GOLLOTT: Next, Marine Patrol, Keith Davis.

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

I know we've got a lengthy fisheries report

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coming up so I'm going to try to make this one quick and just leave it up to each Commissioner.

If you have any questions on the report that you got, I will try to answer them.

COMMISSIONER BOSARGE: I did have one question.

Where you have "Possession of Triple Tail on a Shrimp Vessel", I didn't know that was against the law.

RUSTY PITTMAN: If the Captain of a commercial shrimp boat had a commercial fishing license, he is allowed to keep it. If he didn't and he had a recreational fishing license, he would be allowed to keep it, but he didn't have either license.

COMMISSIONER BOSARGE: Also "Possession of Shark Fins"?

RUSTY PITTMAN: Off the shrimp boat.

COMMISSIONER BOSARGE: Is that what it was?

RUSTY PITTMAN: Yes, sir.

COMMISSIONER BOSARGE: I also see where you've got quite a few "Possession of Undersized Spotted Seatrout"?

RUSTY PITTMAN: Yes, sir. Last month in July we had ten, and I can speak on one of those. They checked the fisherman on the pier, and he had thirty-nine spotted seatrout of which thirty-six were under size.

COMMISSIONER BOSARGE: The reason I asked this

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question is it is going to be in what we are going to do today.

Are you seeing more of these than normal?

RUSTY PITTMAN: Well, in the last few years, we have.

You can go back a couple of years. From 2014 to 2015, we had thirty-three citations written. From last year to this past June, we had fifty citations of undersized trout.

One thing I would like to mention is the undersized are not, like, a half inch under size. They are anywhere from nine to eleven-and-a-half inches that these fishermen are keeping.

COMMISSIONER BOSARGE: Mostly people fishing off piers, or boats?

RUSTY PITTMAN: The majority are pier fishermen. We have had some that were in boats that we have checked coming at the ramps. We have had a few citations written, but the majority are pier fishermen.

COMMISSIONER BOSARGE: I guess that's kind of a good sign and bad sign. The good sign is that there are a lot of little fish. The bad sign is that maybe that's all there is.

RUSTY PITTMAN: Right.

COMMISSIONER BOSARGE: Thank you.

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RUSTY PITTMAN: Yes, sir.

COMMISSIONER GOLLOTT: Thank you, Rusty.

RUSTY PITTMAN: Thank you.

COMMISSIONER GOLLOTT: Next up is Mr. Joe Jewell.

JOE JEWELL: Good morning Commissioners, Director Miller, Counselor Chestnut.

We are anticipating a quite lengthy agenda. We have a couple of regulatory actions on the agenda for the Commission's consideration that will take quite some time.

First, I would like to give the Commission an update on the commercial quota.

Flounder, the quota is seventy-four thousand pounds. We are currently at twelve thousand one hundred and one pounds.

Red Drum, the quota is sixty thousand pounds. We are currently at forty thousand one hundred and thirty-one.

As the Commission is aware, the red drum is divided into three four-month seasons. We are currently in the second season, May through August 31<sup>st</sup>. We are closed for that portion and anticipate reopening on September 1<sup>st</sup>.

For Spotted Seatrout, the quota is fifty thousand pounds. We are currently at forty-four thousand

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six hundred and fifty-eight.

With that being said, are there any questions?

COMMISSIONER GOLLOTT: Joe, are we going to cover the oyster season in this report?

JOE JEWELL: That's not on the agenda, Commissioner Gollott. We are anticipating our regular oyster season presentation at the September Commission meeting.

If you have any questions, I will be glad to try and answer those.

COMMISSIONER GOLLOTT: I was hoping that we could open the oyster season in September and not October, or November, this year.

JOE JEWELL: In the past few years, we typically have opened in October-November. As you are aware, last year we opened in November. Quite a few years past, we did have September openings. It has been quite a while since we had one of those, and those were quite limited seasons. They were for management purposes in restricted areas for specific reasons.

We have had these discussions internally with staff. If the season is to be opened in September, the things that the Commission would have to consider, we are here now in the third week in August. That staging, transition time for management would be a very tight time

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frame for us to stage and get the check stations and staff ready.

We would also have to consider things, like, time for refrigeration in September. There are only four hours from legal sunrise. The water temperature is still very warm. The oysters that would need to be tagged for four hours have to be sold to a certified dealer for shucking, only a certified PHD, or post-harvest processor, which are considered restricted use for oysters.

The time for cool down for dealers is very short. It is only four hours, and the oysters are still at spawning peak in September. That is traditionally when we do our Cultch plants.

Now, for October, things change dramatically. The time to refrigeration is not four hours, but ten hours. The water temperatures are cooling down so you have a better product for the market. Oysters can be sold on the half-shell market directly by the fishermen. Oysters are worth more because they are a better product. Fishermen do not have to sell to a certified dealer. The longer time to cool down for dealers is now ten hours, and the oysters are past their spawning peak.

That is some of the reasoning for the Commission to consider.

COMMISSIONER GOLLOTT: What I would like the

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staff to do is get ready to open it the first week in October because I'm giving you heads up.

I'm going to make a motion that we open oyster season the first of October. That will give our fishermen a little bit more time to make some money before the rains and all that stuff that we were plagued with last season.

I would like for y'all to get everything ready to open the first of October. We will look at it next meeting.

JOE JEWELL: We can do that. We are having our internal meetings and our data assessments are going on, right now. We plan to have the presentation for the 2016-17 oyster season at the September Commission meeting for y'all's consideration.

COMMISSIONER GOLLOTT: Thank you.

JOE JEWELL: With that being said, the Commission has to consider four items on the agenda for Marine Fisheries.

I have just discussed the commercial quota update.

The next agenda item for the Commission's consideration is the final adoption for Title 22 Part 13, Updated Regulatory Language for Aquaculture and Proposed On/Off-Bottom Aquaculture Regulations.

I will be giving that presentation. It's not

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1 that lengthy, but it is pretty detailed.

2 As I'm going through the presentation, if any of  
3 you have any questions, please stop without any hesitation  
4 to ask. I will be more than glad to answer your questions  
5 as required.

6 The Commission passed Notice of Intent on June  
7 the 21<sup>st</sup>, 2016. We filed Notice with the Secretary of  
8 State on July 20<sup>th</sup>, 2016.

9 I do want to note that the Commission held a  
10 special session on June the 10<sup>th</sup>, 2016, to consider the  
11 proposals.

12 An Economic Impact Statement was developed  
13 internally to coincide with the Notice of Intent. Between  
14 June 21<sup>st</sup>, 2016, and July 20<sup>th</sup>, 2016, the Statement was  
15 developed and completed. This Statement was filed on the  
16 Secretary of State's Administrative Bulletin  
17 simultaneously with the Notice of Intent.

18 The Notice of Intent was published on the DMR  
19 web page, on August 3<sup>rd</sup>.

20 The Notice of Intent, like I said, was voted and  
21 passed on June 21<sup>st</sup>, 2016.

22 The public comment period officially started on  
23 June the 21<sup>st</sup> through August the 15<sup>th</sup>, 2016, which is  
24 officially fifty-six days long.

25 I do want to note that if you count the special

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1 session on June the 10<sup>th</sup>, 2016, that is ten additional  
2 days. We did receive a public comment before the regular  
3 Commission meeting. You add ten more days which would be  
4 sixty-six days.

5 I have been here at this agency for almost two  
6 decades. It is not the longest time that we have had open  
7 for public comment, but it certainly is one of the longest  
8 periods that we have had a regulatory notification on  
9 record. That is sixty-six days that the public had public  
10 notice for comment.

11 I also want to note that we had four people,  
12 during that period, that submitted comments. Dr. Ed Cake  
13 submitted comments on June the 16<sup>th</sup>. Ms. Nonnie  
14 DeBardeleben submitted comments on August the 10<sup>th</sup>. Ms.  
15 Julia O'Neal submitted comments on August the 12<sup>th</sup>. Ms.  
16 Thao Vu submitted comments this past Monday on August the  
17 15<sup>th</sup>.

18 There is one comment I want to read for public  
19 record, before we get into those comments. It was an  
20 unrelated comment and not part of this process, but I  
21 thought it necessary to say this on public record because  
22 there still is some confusion about this process which is  
23 not part of the public hearing, or the public permit  
24 process, for off-bottom aquaculture that was occurring in  
25 Bay St. Louis.

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1 Ms. Barbara Clayborn (phonetic) submitted  
2 comment on June the 22<sup>nd</sup>, 2016, and her comment was she is  
3 concerned about the oyster reefs going in on Henderson  
4 Point in Pass Christian which is not part of this  
5 regulatory process.

6 I'm going to address the comments that were  
7 submitted as part of the public process for comments on  
8 the proposed regulation changes.

9 First was Dr. Ed Cake. He submitted comments on  
10 June the 16<sup>th</sup> that were on the printed Notice of Intent  
11 documents. They were handwritten comments. These  
12 comments were editorial, grammatical, structural and  
13 addressed regulatory changes. There were four of these,  
14 and, then, finally, the two pages I used addressed those  
15 types of comments, but they appeared throughout the  
16 document.

17 The final page on the far right represented four  
18 substantive regulatory recommendations Dr. Cake made into  
19 the public record.

20 First, "who, or what, agency is responsible for  
21 conducting a biological survey of potential on-bottom  
22 molluscan shellfish leases?"

23 Second, "In Chapter 9, Section 106, the term  
24 'close proximity' is introduced, but not defined. If five  
25 hundred feet is used in Chapter 9, Section 100.04 to

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1 define the minimum separation between adjacent private  
2 oyster leases, is five hundred feet acceptable as a  
3 minimum 'close proximity' distance in this case?"

4 Number three, "In all cases, please be gender  
5 neutral, or use "he or she or him or her to denote that  
6 the applicants may be either male, or female."

7 Point number four, "Why was Chapter 4, Section  
8 100.04, deleted from these regulations, especially since  
9 those buffer zones are still appropriate? See page  
10 three."

11 Next up is Ms. Nonnie Debardeleben's comments.

12 Number one, "Chapter 4. Since DMR actually  
13 issues the permit, regulates the activity and assesses the  
14 environmental impacts, the applicant should be required to  
15 submit the EA required by the Corps of Engineers to DMR.  
16 This would establish a baseline for monitoring the site.  
17 This should be done rather than delete the EA  
18 requirement."

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

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Comment number three, "Chapter 4 section with regulations for recovery of lost gear does not reference any kind of penalty, or enforcement, if the gear is abandoned. Just saying the gear must be recovered, without an adequate penalty deterrent, does not really ensure compliance."

Comment number four. "Chapter 6, Section 102. What is the reasoning for the removal of the shoreline buffer? To be compatible with the Coastal Use Plan, a buffer should apply for non-shellfish and shellfish Aquaculture."

Ms. Julia O'Neal's comments. Ms. O'Neal does several introductory comments, and, then, addresses two very specific regulatory comments.

First, "The environmental Assessment requirement (in old rule) has disappeared. It certainly makes it easier for anyone who wants a lease to get one. There will be no record of the conditions that prevailed in the leased area when the lease began. Remember that the 'baseline' has been a big problem for NRDA in the BP damage assessment. If lease activity has damaged the original environment, there will be little to prove it. Section 100.01 under Chapter 4 of the old rule was an excellent requirement, well described. (See deletion pages 17-18 of the attached document)."

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Comment number two. "Details of on-bottom shellfish aquaculture leasing, especially delineating and marking territory, are extensive. But, in a newly inserted section, the on-bottom leases can be 'located in waters classified as APPROVED, CONDITIONALLY APPROVED, or RESTRICTED', (other than tonging and riparian exclusions listed in Chapter 9, Section 100.05). Isn't this a broad area? Is this intended to preclude public objection to any site?"

Ms. Thao Vu's comments. Ms. Vu submitted comments via email and hand delivered on Monday, August 15<sup>th</sup>, 2016. I forwarded the entire content of the letter to the CMR yesterday for your review.

I am summarizing the key points of the public comments provided by Ms. Vu and the major headings that she provided in her letter.

Inadequate public notice and lack of meaningful participation. Concern about the lack of adequate public notice regarding public meeting held on August 10<sup>th</sup>, 2016. The meeting was held during the summer shrimp season presenting scheduling conflicts for fisher folks. Posting a meeting notice on a website a few days prior to the public meeting and/or sending electronic notifications with only one day notice is greatly insufficient.

Point number two. Environmental factors and

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issues. According to the MDMR, one of the most pressing problems facing the oyster industry is the inability to keep the public reef areas open for continuing prolonged periods of time and harvest due to frequent closures as a result of rainfall and deterioration of water quality. These same factors and issues will prevent the regular harvest of oysters from the proposed aquaculture project sites, just as they do with the public oyster reef hearings.

Ms. Vu and the Mississippi Coalition for Vietnamese American Fisher Folks and Families goes on to make very specific recommendations. These include five points.

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

MDMR should host community meetings for fisher folks, general public, academia and other State agencies.

The meeting topics should include aquaculture history, purpose, goals, objectives, methods, proposed sites, thorough environmental analysis, potential tradeoffs, financial investment costs, thorough economic analysis, require training and question-and-answer sessions, establish a permanent advisory committee with the Mississippi Coalition for Vietnamese American Fisher

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Folks and Families, bilingual surveys for all fisher folks on multiple aspects of upcoming oyster season, encourage the MDMR and the CMR to implement oyster relays and establish oyster recycling program.

Public Hearing Requests. A total of twenty-five people requested a public hearing. I have listed those for the public record.

A Notice of Public Hearing appeared in the Sun Herald on three dates. Those were July the 29<sup>th</sup>, August the 5<sup>th</sup>, and August the 8<sup>th</sup>, 2016.

Public Hearing on Title 22 Part 13 was held on August the 10<sup>th</sup> here at the Bolton Building in this auditorium. Eighteen people attended. Nine DMR personnel of which Director Miller and Dr. Kelly Lucas attended, including myself. I served as the Hearing Officer for that and presented the PowerPoint presentation.

Other noted people that attended were Mr. Ray Carter from the Secretary of State's office, Mr. Steve VanderKooy from Gulf States, Mr. Ryan Bradley from the Mississippi Commercial Fishermen Union and Ms. Thao Vu from the Mississippi Coalition for Vietnamese American Fisher Folks and Families.

Three people signed comment cards; one deferred and two commented. I will summarize those in the next series of slides.

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The first person to comment was Ms. Terese Collins. Appreciated the effort of DMR, but feels the regulations are too complicated to move forward under the current time frame. The public needs due process because the changes do not appear to be well thought out. Not enough notice was given to the public. Request the Commission for more time and request that the process be delayed until the September meeting. Questions and concerns about lighting requirements being removed. Concerns about removing the Coastal Program language. Hold a public meeting where the public can ask questions and be answered. Should require an Environmental Assessment be done. No clear science to support some of the changes in the proposed regulations. Concerns about feed (Genetic Modified Feed) being allowed to be released into the environment are removed.

Mr. Mike Arguelles signed a comment card, but, when called upon, declined comment.

Mr. Don Abrams. Concerned that public resources are being transferred to private use. Needs greater involvement by public. To avoid problems, the public needs to be more involved. Feels that eighteen days after the Notice, and, then, vote on the issue is way too soon. Some changes are trivial, but some are substantial. Compiling a one-page summary would be beneficial to the

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public. The regulatory language is too hard for the public to understand; needs to be understandable and in simple terms. The max lighting should be in lumens not watts. The removal of the Coastal Program requirements should not happen. Concerned about the lost gear requirements and the twenty-four hour notice. Wants the notice to be immediate so that they don't become navigational hazards, or harm people's property. Concerned that the Coastal Program language has been removed. Monitoring requirements are removed.

Then, for the Commission's convenience and approval, as you may recall, the three previous times I have presented I think it's thirty-three, or thirty-four, slides of the regulatory changes. Since those have been in the public record three different times, they are on our website and they are submitted in the Secretary of State's Administrative Bulletin for the public's review, I'm going to summarize those changes, rather than line-by-line again read them, as I do with all the changes when they are in their final notice format.

Overall the regulatory changes improve organization of language. Many sections are reorganized together with the same subject matter. Some language is rewritten to clarify meaning and avoid unnecessary complexity. Unnecessary repetition, or duplicate

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language, has been removed.

Monitoring requirements. We removed burdensome reporting requirements, like, Pre-Operational Environmental Survey, Bathymetric survey, sediment and water quality analysis, and the Marine Aquaculture Environmental Monitoring Program. Reports are burdensome for most operations, and can still be part of the ad hoc condition on a case-by-case basis.

New reporting requirements put in place to measure aquaculture progress:

Record of incidental deaths of vertebrates.

Stock added and harvested each month.

Transfers of brood stock, seed, gametes, and larvae.

Buffers and Environmental Regulations. Most buffers removed because they are already established by other agencies, or departments, with appropriate jurisdiction. Examples include the U.S. Coast Guard applies navigational buffers, and wetlands permitting applies shoreline buffers.

Some discharge requirements removed for on-shore facilities because MDEQ and wetlands permitting have appropriate jurisdiction over discharge.

Seed stock requirement expanded from just Mississippi to Gulf of Mexico, but all other bands on

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stock are still in place.

On-Bottom Leasing. Previously Title 22 Part 1, Chapter 19, have been moved to Part 13, Chapter 9.

Again, I want to state for the record the regulatory changes and modifications for Title 22 Part 1 are scheduled to go in effect October 1.

Potential lease areas are expanded to include restricted areas. Lessees would still need to comply with Part 1, when it comes to depuration and harvesting. Lease areas changed from one hundred acre maximum to five hundred acres, and this complies with the updated language in Statute 49-15-27.

Lease buffer is changed from a quarter of a mile to five hundred feet.

Lease bid process and public notice requirement removed to match the new updated language in 49-15-27.

Lease terms capped at five years, instead of twenty-five, which complies with language in Statute 49-15-27.

Lessees must provide annual lease activity report, rather than just at end of the lease term.

Aquaculture Equipment Rules, Chapter 4, Section 100.05 through Section 100.08:

Old rules have almost no discussion of equipment.

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1 Requires notice and cleanup of equipment, after  
2 a natural disaster.  
3 Requires tags on equipment to identify the  
4 owner.  
5 Requires removal of all equipment at end of  
6 project.  
7 Finally, Chapter 6, Requirements Specific to  
8 Molluscan Shellfish Aquaculture:  
9 We have added the Section 102.05. Off-bottom  
10 aquaculture operations are not permitted in the marine  
11 waters of the Bay of St. Louis north of the CSX bridge.  
12 If the Commission so chooses to move forward, we  
13 need a Motion to adopt the regulatory changes to Title 22  
14 Part 13.  
15 I will entertain any questions the Commission  
16 has, at this time.  
17 COMMISSIONER GOLLOTT: Mr. Jewell, we take very  
18 seriously public input and there have been quite a few  
19 good recommendations.  
20 I think we ought to table this until next month  
21 and give the public and us a chance to work on this a  
22 little bit more.  
23 If it's all right with the rest of the  
24 Commissioners, I would like to make a motion that we table  
25 this action until next month.

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1 JOE JEWELL: The only thing I would note, before  
2 anyone votes on that, have there been any public comment  
3 cards submitted for this presentation?  
4 Does anyone from the public wish to comment?  
5 COMMISSIONER GOLLOTT: I don't think so. We  
6 haven't gotten any cards.  
7 JOE JEWELL: Then, I did note that Title 22 Part  
8 1, the regulatory changes where the most significant  
9 change was the removal of Chapter 9 which covers on-bottom  
10 leasing are removed from Part 1 and have been placed into  
11 Part 13. That is scheduled to go into effect October 1.  
12 COMMISSIONER GOLLOTT: Well, we will have enough  
13 time after the September meeting.  
14 JOE JEWELL: Sure.  
15 COMMISSIONER GOLLOTT: We have a motion.  
16 Do we have a second, or does anyone want to  
17 comment on this?  
18 COMMISSIONER BOSARGE: I would like to talk to  
19 Joe just a minute.  
20 On the public comments, you went over the public  
21 comments, but have you actually answered any?  
22 JOE JEWELL: I can answer any of the questions.  
23 COMMISSIONER BOSARGE: What I'm saying is the  
24 concerns that the public has, can you come back to us with  
25 maybe your recommendation of some of the things that you

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1 have done to address those concerns?  
2 Do you see what I'm saying?  
3 JOE JEWELL: I can do that.  
4 COMMISSIONER BOSARGE: Answer their concerns and  
5 let's see where we are.  
6 JOE JEWELL: In the presentation version that I  
7 have here, the public comments that were presented, I have  
8 the notes for them that answer all of the questions and  
9 concerns of the public here. If the Commission asks, I  
10 can answer those for you, but I can send that version to  
11 you and it will have all the answers to those questions.  
12 COMMISSIONER BOSARGE: I would appreciate that.  
13 JOE JEWELL: I sure can.  
14 COMMISSIONER GOLLOTT: We still need a second,  
15 or, without a second, it will die.  
16 COMMISSIONER BOSARGE: I'll second your motion.  
17 COMMISSIONER GOLLOTT: We have a motion and a  
18 second.  
19 All those in favor say aye.  
20 (All in favor.)  
21 COMMISSIONER GOLLOTT: Opposed?  
22 (None opposed.)  
23 COMMISSIONER GOLLOTT: Motion carries.  
24 JOE JEWELL: Thank you, Commissioners.  
25 Next up for the Commission's consideration is

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1 Title 22 Part 4, Mandatory Crab Trap Escape Rings. The  
2 presenter will be Mr. Rick Burris.  
3 RICK BURRIS: Good morning Mr. Chairman,  
4 Commissioners, Director Miller, Ms. Chestnut.  
5 Today I want to bring for your consideration an  
6 amendment to Title 22 Part 4, the rules and regulations  
7 for the taking of crabs in the State of Mississippi.  
8 At the last Mississippi Crab Task Force meeting,  
9 the Task Force agreed that certain changes need to be made  
10 to improve the overall value of the crab fishery in  
11 Mississippi and they voted to present to the Commission a  
12 proposal to change Title 22 Part 4 that would require all  
13 crab traps fished in Mississippi waters to have escape  
14 rings.  
15 If you are not familiar with escape rings, I  
16 have prepared a slide for you. On the right is a closeup  
17 of a escape ring installed into a trap.  
18 Basically, it's a two and three-eighths circle  
19 piece of plastic that is installed into the mesh. You  
20 just cut out a piece of mesh, and, then, it's got little  
21 holes here where you can put either hog rings, or zip  
22 ties. Once it's in the trap, it allows for crabs that are  
23 less than five inches to escape and not be harvested in  
24 the trap.  
25 Here is a diagram of a trap with escape rings in

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1 it. Most traps have two chambers, an upper and lower  
2 chamber, separated by a partition. If you would put them  
3 in a trap, you would want one in the top and one in the  
4 bottom so those crabs can escape both chambers. You would  
5 also want it on the side walls, rather than the top. If  
6 you had it on the top, obviously, only the top chamber  
7 could escape and, on the bottom, nothing could escape.

8 I provided a list of advantages to escape rings  
9 in traps. This is from a paper written by Vince Gilroy  
10 who is a Blue Crab expert.

11 The first advantage would be an immediate  
12 increase in catch rate of legal crabs which, as we know,  
13 are greater than five inches because of trap saturation  
14 effects associated with large numbers of sublegal crabs  
15 that could be in the traps without escape rings.

16 If you have rings in the traps, the larger crabs  
17 can come in and push the smaller crabs out, and you will  
18 be able to catch more larger crabs, or legal crabs.

19 Next, which is the most important, is that you  
20 would have a future increase in catch rate of legal crabs  
21 associated with the reduced harvest of the sublegal crabs,  
22 as well as a decreased mortality associated with stress  
23 and injuries on undersized crabs that are returned to the  
24 water.

25 These sublegal crabs that are in these traps,

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1 even though they are returned to the water, they can go  
2 through a lot of stress and injury which is not good for  
3 those crabs.

4 The last on this page is also a reduction in  
5 undersized crab injuries, or stresses, that occur in the  
6 trap, or during culling operations.

7 When these crabs are in the box, even when they  
8 don't get returned immediately into the water, when they  
9 go into the culling box, they are susceptible to injuries  
10 from those larger crabs.

11 We do a pretty good job of derelict crab removal  
12 here in Mississippi, but the traps that remain in the  
13 water, if they had those escape rings in them, there would  
14 be less mortality because those smaller crabs, as well as  
15 other fish, could escape the trap.

16 An important thing for the fishermen would be a  
17 reduction in culling and sorting time of the catch. They  
18 are going to spend less time picking out the under five  
19 inch crabs and more time fishing.

20 This leads to law enforcement, as well. They  
21 are going to spend less time measuring crabs to make sure  
22 they are five inches.

23 Lastly, which is a pretty important topic, is  
24 you are going to have a reduction in these sublegal crabs  
25 that make it through all these processes, all these

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1 culling processes, that are delivered to the crab  
2 processors who can't profitably process these small crabs.  
3 A lot of these small crabs come to the processors and they  
4 don't want to pick them so they, basically, get discarded.  
5 With these rings, hopefully, it will prevent that from  
6 happening.

7 Let's talk about what the other Gulf States do,  
8 in relation to escape rings.

9 In Florida, their regulation reads that crab  
10 traps must have at least three escape rings, one of each  
11 located on a vertical outer surface adjacent to each  
12 chamber. Escape rings must be larger than two and three-  
13 eights inches.

14 Texas is very similar. It states that crab  
15 traps must be equipped with at least two escape vents in  
16 each crab-retaining chamber and located on the outside  
17 trap walls. Escape vents must be at least two and three-  
18 eights inches in diameter.

19 Louisiana, basically reads the same. It is very  
20 lengthy, and I won't read the whole thing for you, but it  
21 basically says the same thing. They currently require  
22 escape rings of two and five-sixteenth inches and, if you  
23 will notice in the highlighted part down here, effective  
24 November 15, 2017, they will switch to two and three-  
25 eights inches (indicating slide).

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1 The one thing that Louisiana does, they have a  
2 caveat right here that says, basically, from April 1<sup>st</sup> to  
3 June 30<sup>th</sup> in the spring, and, from September 1<sup>st</sup> to October  
4 31<sup>st</sup> in the fall, those escape rings shall not be  
5 obstructed, and this is for the soft crab fishery.

6 If you have escape rings in your traps, like I  
7 said, it is to exclude smaller than five inch crabs, and  
8 we can keep peeler and buster crabs that are less than  
9 five inches.

10 However, with Louisiana regulations, they can  
11 cover them up in the spring and the fall, when the peeler  
12 and buster crabs are most prevalent. All they do is they  
13 usually just take two zip ties and cross them across the  
14 hole. Then, when those periods end, they just take them  
15 off and go back and forth so the people that want to be in  
16 the soft crab fishery can continue to do so with these  
17 escape rings.

18 Then, we have Alabama and Mississippi. Alabama  
19 currently has no regulations, and, as we know, Mississippi  
20 currently has no regulations.

21 Here is our proposed addition to Title 22 Part  
22 4. Actually, it would be Section 115. It will state in  
23 Chapter 6:

24 "All crab traps placed in the marine waters of  
25 the State of Mississippi shall be equipped with no less

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than two escape rings positioned on the vertical outside walls of the trap, with at least one ring located in each chamber. Escape rings must have a minimum of two and three-eighths inches inside diameter. From April 1<sup>st</sup> to June 30<sup>th</sup> and from September 1<sup>st</sup> to October 31<sup>st</sup>, escape rings may be obstructed for the purposes of retaining peeler, or buster, crabs."

If you would like to have a discussion on this, now would be a good time.

COMMISSIONER GOLLOTT: Rick, do we have anyone in the State of Mississippi that is shedding crabs anymore?

RICK BURRIS: There are a few, yes, sir. Actually, one of our members on the Task Force does that. Even if they don't shed crabs, they still keep the soft crabs and actually sell to the guys that are shedding, but there are a few. Obviously, it's not as big as Louisiana, but we do have a soft crab industry.

COMMISSIONER BOSARGE: I see where you put the language in there, inside diameter. That pretty well narrows it down quite a bit. It actually will allow them to have the option to close them up, during the buster season.

RICK BURRIS: Right, and that is just the option. The guys that don't do that, they are not going

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to waste their time closing the trap, when they will just have to go take them out. That will strictly be for the ones that are interested in the soft crab fishery.

COMMISSIONER BOSARGE: How does the industry feel about this?

In other words, if you remember, at the Crab Task Force meeting, it sounded like most of the folks who were there did not have a problem with it.

RICK BURRIS: A lot of fishermen use them anyway. A lot of traps that are being built, they currently have them in there. Like I said, they are using them anyway because it saves them time. For this to be a requirement, it will only enhance the fishery in the future, with very minimal impact on the fishermen themselves.

COMMISSIONER BOSARGE: I'll make a motion that we proceed with the Notice of Intent to amend Title 22 Part 4.

RICK BURRIS: Yes, and that will be to add Section 115 to Chapter 6.

COMMISSIONER BOSARGE: To add Section 115 to Chapter 6.

COMMISSIONER GOLLOTT: We have a motion. Do we have a second?

COMMISSIONER HAVARD: I'll second that.

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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.

Thank you.

RICK BURRIS: Thank you.

JOE JEWELL: Thank you, Rick.

Next up for the Commission's consideration is a joint presentation by Matt Hill who is the Bureau Director for the Finfish Bureau and the Office of Marine Fisheries and Dr. Paul Mickle who is the Deputy Director of the Finfish Bureau and Marine Fisheries. It's the Spotted Seatrout Stock Assessment.

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

Today we are going to go through the Mississippi Spotted Seatrout Stock Assessment and present it in pretty much two parts. We will present the stock assessment itself, and, then, we will get on to some of the management options that we may consider today.

The stock assessment was completed in April 2016, by Robert Leaf, David Dippold and Read Hendon at the

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Gulf Coast Research Lab, GCRL.

It was completed by internal review here at Mississippi DMR in May 2016.

Completed external review, in July of this year.

It was accepted and I would like to say it is available to the public this month and is presently on our website. It can be found at dmr.ms.gov. It's a pdf, the full document.

I would like to say that passing these review stages internally, externally with Ph.D's around the Gulf giving it their peer review and their pass that this is an accepted document by Mississippi DMR. The math is solid and it is accepted as acceptable science.

Let's talk a little bit about the species popularity and the user groups that are involved.

We know that this is the most popular state fish species. I don't think anyone would have an argument disagreeing with that because, as far as our inshore fish, our state fish species, this is the most popular. Eight out of every ten boats, when I go on survey, are targeting this species. They are targeting it in all counties in our state and they are targeting it all year long.

It is truly a part of our culture. People go fishing for it all the time. There are lots of user groups involved with the fishing.

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During Lent, our restaurants very much benefit from people switching their diets during Lent. We see a big pickup in price every year for spotted seatrout commercially. It is found in all of our coastal counties all year round.

We have many user groups. Like I said, we have commercial fishermen, recreational fishermen, the for-hire charter group, the seafood dealers, the restaurants, overall tourism. We have a lot of people that are involved with this species, so we should take it very seriously in managing.

The spotted seatrout landings over the last, say, fifteen to twenty years here, this is just a figure. I will almost always have years on the X-axis in my figures today (indicating graph).

These are the total landings here. The blue is the commercial landings, and this white is the recreational landings (indicating graph).

The commercial landings are kind of capped at fifty thousand pounds presently. So they can't really go anywhere above that.

The recreational landings over the last few years have really gone up quite sharply showing an increase in the harvest over the last few years.

The commercial catch is still around four

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percent of the total catch each year.

The recreational catch is the thing that seems to be going up so high.

Let's talk a little bit about the history of the recreational and commercial fishing licenses and overall fishing pressure.

This is a figure here with the years on the X and the number of licenses on the Y. You can see there is a plateau early in the years here, and, then, a big jump here around 2008-2009, and, then, it is a plateau again (indicating graph).

The number of fishing licenses in our state has fairly leveled off over the past seven, or eight, years, but the thing is that the number of times that these anglers are going out is increasing quite sharply. Even though we have the same number of boats, or somewhat same number of licenses, the times that they are going and their overall effort is vastly increasing over the last few years, and that is resulting in fish coming out of the water, harvested.

Let's go over the management history. The Commissioners have seen this before. I will go through it with a couple of additions that I have added here.

Within Mississippi, we have seen a lot of managerial changes in the management of the species, both

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recreational and commercial. We have seen bag limit changes. We have seen size limit changes. We have seen quota increases forty to fifty thousand pounds, and presently in Mississippi it is a thirteen inch minimum for recreational and fourteen inch minimum for commercial, with a fifty thousand pound quota for commercial. There is no quota for recreational.

In the Gulf wide what the other states are doing, Texas, they have a lot of different size changes regionally because they are a state that runs north-south, and Florida does the same. Florida has these regions and a lot of different regulations in the different regions because of their longitude.

Looking at Louisiana, Mississippi and Alabama, there are a lot of different management strategies as well, but I would like to talk about Percent SPR which I'm about to get into a lot more. Percent SPR is Percent Spawning Potential Ratio. This is the temperature gauge of how managers kind of document the stage, or the condition, of the fishery.

For spotted seatrout, Texas does not have an SPR.

Louisiana has set theirs at eighteen percent. Mississippi, we have not yet determined our SPR. Alabama, in their recent stock assessment, they

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discussed a thirty percent target SPR.

In Florida, their average SPR -- because of the different regions, their average is twenty-five percent. In some regions, it is as high as thirty-five percent.

COMMISSIONER BOSARGE: Could you elaborate just a little bit more, when you talk about the different states and their SPR?

Can you tell us what shape their fishery is in?

PAUL MICKLE: When I look at the recreational landings, overall Gulf wide there is a decline in all the states and there is actively aggressive management toward spotted seatrout in all states. There are changes occurring in every single state that I talked to personally.

COMMISSIONER BOSARGE: I think, from my understanding, the state of Florida maybe being the long state, that their resources are better than most?

Am I understanding that correctly?

PAUL MICKLE: About the condition of spotted seatrout?

COMMISSIONER BOSARGE: Correct.

PAUL MICKLE: In certain areas, I would say. Coast wide, the number of anglers in Florida is quite astonishing and the pressure. There are certain areas where spotted seatrout are doing well, and there are other

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1 areas where it is quite poor.

2 Florida is a very dynamic state, with two bodies  
3 of water. It is truly amazing how they do their  
4 management over there. I just don't see how they keep it  
5 all straight. With all the regions and the Atlantic and  
6 Gulf, it's a quite impressive complexity.

7 As for life history of spotted seatrout, again,  
8 the Commissioners have seen this, but I would like to just  
9 go over it real quick again.

10 In the Gulf of Mexico, they primarily feed on  
11 small crustaceans. They reach maturity at one to two  
12 years. This is very good news for managers of  
13 reproduction at such young ages. They spawn between March  
14 and September. The larger females, the big females can  
15 produce up to a million eggs. They spawn primarily in  
16 shallow grassy areas, from the literature, what it states.  
17 They utilize deep bays and rivers, during winter months.

18 In Mississippi, we have a unique life history  
19 stage that the literature hasn't quite picked up on yet.  
20 I'm going to try and change that, but they are really not  
21 dependent on sea grass areas, as stated in the literature  
22 Gulf wide. They use marsh habitat, island habitat, and we  
23 all know where we find this species. They utilize a lot  
24 of different types of habitat.

25 I would like to say that the Otolith chemistry

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1 literature looking at the ear bones, the genetic analysis  
2 and the tagging of spotted seatrout show that truly our  
3 reproductive stock here in our state waters is our stock.  
4 We have very little input coming in from our neighboring  
5 states. Although there is some, it's not a lot. We  
6 should manage our species here in Mississippi.

7 What happened for this need for a stock  
8 assessment?

9 Well, we found decreased catches in commercial  
10 and recreational. MDMR independent sampling, when we go  
11 out in our boats and do our sampling, we saw a reduced  
12 catch per unit effort over the last six years.

13 Our most popular state fish species really  
14 dictates that we should do a stock assessment with  
15 continuous updates to make sure just how well the stock is  
16 doing, being our most popular fish.

17 I am proud to say that our monitoring system has  
18 picked up on this decline which initiated this stock  
19 assessment which we are discussing here today.

20 This is a figure here with the years on the X-  
21 axes and the scaled and centered index which is overall  
22 catch effort, showing a sharp decrease over the last  
23 years, and this is this triggering mechanism we are  
24 seeing, like, oh, no. There is something definitely going  
25 on with decreased catch-per-unit effort over the last few

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1 years (indicating graph).

2 I put this figure in just to try to get us a  
3 picture of our overall goal here. We all have the same  
4 goal with this species to manage it at a sustainable  
5 level. As managers, we really want to hit this really  
6 cross hair in this bell curve.

7 On one side of the bell curve, you are really  
8 over harvesting. On the other side of the bell curve, you  
9 are under harvesting.

10 As managers, I would like to see this "MSY",  
11 Maximum Sustainable Yield. This is where you are actually  
12 harvesting at a sustainable level and you are allowing the  
13 user groups to benefit from the resource. This is the  
14 goal of the manager, in my opinion (indicating graph).

15 This here is pretty much the same exact thing,  
16 showing that there is a natural mortality that we cannot  
17 control whatsoever. Fish die of natural causes  
18 constantly. We have no way of dealing with these  
19 pressures, but we can change our fishing mortality, the  
20 fish that are being removed from fishing.

21 As managers, we can control this and this is  
22 what we should discuss here today and this should be some  
23 of our management strategies that we discuss.

24 The stock assessment itself, it is an ASAP. We  
25 use fishery dependent and fishery independent data. We

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1 have our recreational fisheries survey, data survey. We  
2 have our commercial trip ticket program and commercial  
3 catch. We have our own sampling that we do here at  
4 Mississippi DMR and the Gulf Coast Research Lab. The  
5 model itself, like I said, is an ASAP which was completed  
6 by David Dippold, Robert Leaf and Read Hendon at the Gulf  
7 Coast Research Lab.

8 Let's get into the model a little bit, some of  
9 the outputs here.

10 Looking at these figures here, again, always  
11 years on the X-axes, this kind of an index of the  
12 abundance which is overall CPUE, in effect, and here is  
13 CPUE here. This is our independent sampling, and this is  
14 recreational harvest here. You can see over the last few  
15 years a sharp decrease here which is throwing up these  
16 warning flags. There is definitely something going on  
17 with the stock of spotted seatrout (indicating graphs).

18 As far as Biomass which is just the mass of  
19 spotted seatrout that are in our state waters, this is  
20 total Biomass here on the left and this is spawning stock  
21 Biomass over here on the right, and the years on the  
22 bottom. Over the last few years, a very sharp decrease in  
23 total Biomass and spawning stock Biomass which, again, is  
24 a definite warning sign that there is something going on  
25 with our stock (indicating graphs).

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Let's talk about the fishing mortality that I introduced in those bell curves, mortality of spotted seatrout directly from fishing. It's as simple as that. With more people that are out there, the more fishing they are doing, the more fish are coming out of the Gulf waters and our State waters, and fishing mortality is higher. The less people that are out there, the less that they are harvesting would decrease that.

In recent years, we have seen an increase in F. We have seen this "F" going up which the model supports, along with our other models and our independent sampling.

Our high natural mortality, during this time, could contribute to this, but, again, we have no way of controlling natural mortality. We should focus on fishing mortality (indicating graph).

Spawning Potential Ratio like I talked about earlier, this is SPR. This is what we use to do the temperature for just how our stock is doing. This is just a simple way of saying egg production of what is being left out there, what is being left out there that is able to reproduce. That's what SPR is, what percentage of reproduction are we allowing the State waters of the Gulf to be left each year.

Over the last few years, back in the past it was kind of hanging around eighteen fairly steady. Even with

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increasing fishing efforts, it was holding its own. Over these last few years, we have seen a decline, and we are presenting at an SPR of ten point two (indicating graph).

I like to say that because, if we have discussions about SPR and where we are, we need to talk about the levels which we would like to have as a target.

As we as managers use this metric, we should always think of SPR, when spotted seatrout is brought up in our conversations. SPR is our gauge of how it is going, how the stock is doing.

This is what the model does. It projects, once it is built, what we can do as managers and what we can get to in the future. That's the value of models. As the data that went into the model ends here, these are projections going on here, in the future here up to 2020 (indicating graph).

How aggressive do we want to be as managers and what SPR would we like to end up at?

I put this green line on here between 2018 and 2020 just to kind of spark the conversation of where maybe we should end up (indicating graph).

Looking here, the more aggressive that you are going to want to be as managers will get the SPR up, but that means decreased harvest is what is going to allow those egg productions to occur more and bring those values

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of SPR up. These management strategies, keep this in your mind of how we should go down this road, as far as SPR (indicating graph).

These are tables that we would like to talk about, and Matt is going to discuss this as well later. This helps us in the decisions that can potentially be made.

This table is the spawning stock biomass that needs to be left in the water to spawn, and this first column here of the SPR's, the fishing level at the different SPR's, I apologize. It's a little bit faded, but you have it in your packets.

Here on the right side is the table that shows the yield of what could potentially be harvested to sustain a level of SPR.

We can get into these numbers a little bit later on in the presentation, but, when the decision is made of the SPR, you look over here and follow it by the row and it shows the sustainable level of harvest by metric tons that can sustain that particular level of SPR (indicating graph).

Moving forward, obviously, we need to reduce fishing mortality which is "F". Fishing mortality is capped in the commercial fishery. We, obviously, need to reduce the fishing mortality in the recreational fishery

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to achieve our management goals.

Management decisions can create targets for sustainable harvest. These decisions that can be made allow managers and scientists to build the models to make management decisions to reach these goals.

Because this species is so reproductive and the reproductive potential is very high, I'm very optimistic that the decisions that can be made will see a very quick turnaround.

Once we discuss SPR and potentially choose an SPR, we need to talk about time lines to reach that SPR. Again, the SPR is the real decision that helps make these other management options that Matt is about to discuss here today.

Before I turn it over to Matt, are there any questions about any of the science, or the models, that I presented here today?

COMMISSIONER GOLLOTT: Of course, you had mentioned that the Commissioners had already seen these presentations and everything, and I think we have come up with a consensus of adopting the twenty percent SPR's.

COMMISSIONER HARMON: I would like to make a motion that we adopt that SPR goal of twenty percent.

COMMISSIONER BOSARGE: And me, in looking at where we are today and where other states are and trying

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1 to figure out our best percent to take, eighteen percent  
2 in Mississippi seemed like it pretty well held its own for  
3 a long time, until the last few years.

4 PAUL MICKLE: It did. The data shows that. The  
5 data supports that eighteen sustainable level and harvest  
6 levels in the past. Always take into effect the way the  
7 harvest levels seem to be going and the fishing effort  
8 levels seem to be going that trend in directionality in  
9 the future.

10 COMMISSIONER BOSARGE: If you look at what the  
11 other states have done, Louisiana being at eighteen  
12 percent targeted SPR with a declining resource and with  
13 the estuaries that they have and the capability of  
14 harvesting and producing way more fish than we do, and,  
15 then, you look at Texas. They don't actually say an SPR,  
16 but their fishery is in decline.

17 PAUL MICKLE: They are.

18 COMMISSIONER BOSARGE: Alabama, what did you say  
19 their SPR is?

20 PAUL MICKLE: Let me click back and make sure.  
21 Alabama is thirty percent, yes, sir.

22 COMMISSIONER BOSARGE: And, then, you've got the  
23 State of Florida that is probably doing better than  
24 anybody else at thirty-five percent SPR.

25 We did have this discussion about a twenty

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1 percent SPR, but the more I looked at the model and the  
2 more I looked at what is going on in the other states, I  
3 came to the conclusion that twenty percent SPR, I think  
4 that is borderline as to whether that would actually build  
5 our stock to a level that it won't wind up in decline.

6 I look at where do we need to set our target?

7 Do we want to set our target to just get by  
8 possibly, maybe, or do we need to set our target -- and,  
9 when I say a target, I'm not talking about setting a hard  
10 number, but let's set our goal a little higher because,  
11 from what I see is happening in the rest of the states and  
12 what is happening all over, except for Florida and a few  
13 areas, a twenty percent SPR is not going to do it.

14 PAUL MICKLE: There are things to consider. We  
15 all live here. We all know the productivity of our bays  
16 and our rivers. Percent SPR each state picks, and these  
17 estuaries in the different states have different  
18 productivity levels. We need to have discussions of what  
19 we think Mississippi's productivity level is.

20 We have very productive rivers and we have  
21 islands that hold in our nutrient rich water, and we have  
22 amazing seafood because of it, understanding a difference  
23 between Tampa Bay which is clear water. Their rivers are  
24 very small. Their productivity is lower.

25 Looking at the State of Louisiana, one of the

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1 largest estuaries in the world, their productivity is very  
2 high.

3 When we start talking about SPR, it really needs  
4 to fit the region and what we decide as our productivity  
5 levels of our region and to look at the Gulf of the SPR's  
6 that are going on, but, as a biologist and a scientist, it  
7 really needs to be that regional decision of what we think  
8 SPR should be for our region.

9 Potentially, getting to a sustainable level may  
10 require a higher SPR, and, then, when you get to that  
11 level, it's like acceleration in a car. Once you get to  
12 the speed limit, then, you can back off a little bit and  
13 maintain speed which is a sustainable level.

14 COMMISSIONER GOLLOTT: It's my understanding if  
15 we adopt a twenty percent -- if you will look back to SPR  
16 in relation to SSB?

17 PAUL MICKLE: This one (indicating graph)?

18 COMMISSIONER GOLLOTT: Yes. Twenty percent  
19 would give us enough to recover, according to this graph.

20 Is that right?

21 PAUL MICKLE: Yes, sir. SPR is a target that  
22 you fix and it can be changed at any time. It is  
23 literally just a target so managers can start figuring out  
24 what it needs to be to reach that target. When we provide  
25 updates to the Commission, when the data starts coming in

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1 from this year and last year and next year, it's a  
2 moveable target. There is no trouble in painting it in  
3 for the next twenty years of the decision.

4 COMMISSIONER GOLLOTT: You are going to take  
5 this data and the SPR and, even in two-way modeling, you  
6 are going to come back and tell us what we need to do to  
7 obtain this, and it can be adjusted at that time.

8 PAUL MICKLE: Yes, sir.

9 MATT HILL: I think what Commissioner Bosarge is  
10 hitting on and we have talked about it is, I think, we all  
11 feel comfortable with the twenty percent SPR, when we have  
12 rebuilt the stock, but, right now, we are at ten point  
13 one. We may need to look at some more aggressive  
14 management options to get us to the twenty percent SPR and  
15 see what type of time frame we are talking about. We can  
16 all agree on having a twenty percent SPR and we can keep  
17 that as our target.

18 We don't necessarily need to set the target at  
19 twenty-six, or twenty-eight, or thirty, SPR. We can still  
20 have the twenty percent SPR, but, also, we know that in  
21 the first three, or four, years, some of our management  
22 options may have to be a little more stringent to get us  
23 to that percent SPR, but that still would be our target,  
24 and, once we got there, we would continue it to be our  
25 target, but the management strategy would allow it to be

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flexible, at that point.

We have talked.

COMMISSIONER BOSARGE: I never stop for just being even. I want to excel. I want to try to do better and, to me, to set a higher target, you can always come down, and we can always go up.

Twenty percent, I think is in the range. I was thinking more twenty-two, or twenty-four. I think, when you look at what the harvest would be and what the stock biomass would need to be, there is not much difference. In other words, you are only talking a few metric tons between what you are going to have to leave and what you can harvest.

It's not like twenty-two, or twenty-four, percent is going to be an out-of-the-world you can't get to that equation, if you look at the numbers on your chart.

MATT HILL: I guess we need to get the numbers out so people will understand what we are dealing with here.

If we set a twenty percent SPR, what we will come back and tell you is for the year 2017, the recreational and commercial harvest together because this is a combined harvest, but, like we said, the commercial is capped at fifty thousand pounds so it is very few

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metric tons, but what we will tell you is if two hundred and seventeen metric tons of spotted seatrout can be harvested.

COMMISSIONER BOSARGE: And tell me what it is at twenty-two and twenty-four percent.

I've got it in front of me, but I want you to tell everybody.

MATT HILL: At twenty-two, it's two zero eight, and twenty-four is at one ninety-nine.

You are talking about some minimal changes. However, when we are talking about the twenty percent SPR, I do want everyone to know right now the ten-year average of what we are harvesting is somewhere around four hundred and fifty to four hundred and sixty metric tons, so we are talking about setting regulations for a forty-eight percent decrease in the harvest for spotted seatrout to reach any of these numbers that were even thrown out.

I know the numbers are small, the increases are small, the decreases are small, but, in the big picture, we are looking at roughly having to set regulations to cut the harvest in half, if we want to reach these goals in a three- to five-year time period.

COMMISSIONER BOSARGE: Just so everybody understands what you said, once we reach the twenty percent SPR, what will the harvest level be then?

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MATT HILL: You will start to creep up. What I see right now is roughly two hundred and fifty metric tons in 2020 is what the yield will be, but, eventually, if we do these annual updates and we stay on top of this stock, we do believe that the harvest will be able to come back to levels that it previously was.

Once you set an SPR and if it's twenty, twenty-two, or twenty-four, if that happens today, if they say this is our recommendation, you are immediately in a rebuilding stage because the SPR is currently ten point one, or ten point two. That is how we have to look at it, and it would then be considered a population that is over fished and is continuing to be over fished and to stop that, we would basically have to cut the harvest in half. That is as simple as I can put it.

COMMISSIONER BOSARGE: It is what it is. We are where we are, and we are going to have to do what it takes to bring the stock back. I just hope that we don't maybe follow in the footsteps of some of the other states and don't quite do enough.

MATT HILL: What I will say to your comment of maybe picking twenty-two, or twenty-four, somewhere in that range, I just don't believe, once we run the numbers, that it is going to make a huge difference in the regulations that will be set.

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COMMISSIONER BOSARGE: That's my point. In other words, let's set a goal that I think is realistic. I think twenty percent is maybe barely getting by. Just by going up to twenty-two, or twenty-four, we really haven't changed that much, other than we said that we are serious about this and that in reality maybe twenty-two, or twenty-four, is where we are going to have to be.

MATT HILL: These are just targets, and I tried to drive this home the last meeting. It is flexible. It is a fluid target. It is a fluid fishery. There are some things that are going to happen that we can't control, but we do have the ability, now, to provide annual updates and at least give us a trend and how quickly it is rebuilding.

COMMISSIONER GOLLOTT: The most important thing is we are rebuilding at twenty percent. We are on our way to rebuilding it.

MATT HILL: Yes.

COMMISSIONER GOLLOTT: We need to make it as least painful as we possibly can, on recreational fishermen.

Let's get one thing straight. We are not talking about commercial fishing here. They get so little fish that we are not going to mess with commercial fishing, as far as I'm concerned.

MATT HILL: They harvest less than four percent

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1 of the harvest.

2 COMMISSIONER GOLLOTT: We have a motion at  
3 twenty percent. I would like to second that motion.  
4 Let's have a vote on it. All those in favor say  
5 aye.

6 (Mr. Gollott, Mr. Harmon, Mr. Havard in favor.)

7 COMMISSIONER GOLLOTT: Opposed?

8 (Mr. Bosarge opposed.)

9 COMMISSIONER GOLLOTT: Motion carries three to  
10 one.

11 MATT HILL: Thank you, Commissioners.

12 PAUL MICKLE: We are not quite finished with the  
13 presentation.

14 MATT HILL: We got caught up in the  
15 conversation. I'm sorry. We've got so many pages up  
16 here. We will get through it.

17 Moving forward, here are management options, and  
18 I'm not going to go through. I'm not going to list all of  
19 these because we have a slide for each one of them.

20 Of course, right now, we are at a ten point one  
21 SPR. It is obvious that we would like to be in the ball  
22 park of somewhere around a twenty percent SPR, rebuild to  
23 that status.

24 Status Quo. Currently, on recreational harvest,  
25 we do have a thirteen inch minimum size limit with fifteen

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1 fish per person.

2 The commercial harvest did remain at a fourteen  
3 inch minimum size limit. We did up the quota to fifty  
4 thousand pounds. There are two open seasons. They are  
5 four months each. They basically run from February to  
6 October, and commercial fishery is closed no matter if the  
7 quota is met between November and January.

8 Something the Commission can consider is  
9 recreational minimum size/bag limit changes. We can go to  
10 a fourteen inch minimum size limit. We can go to a  
11 fifteen inch minimum size limit. We can have a bag limit  
12 change from fifteen fish to ten fish per person. I have  
13 heard twelve being kicked around. These are just  
14 suggestions.

15 Instead of a per person bag limit, we can have a  
16 vessel bag limit. We can also have a vessel bag limit,  
17 with an allowance for a certain number of fish to be above  
18 thirteen inches. We can have a fish per person bag limit,  
19 with allowance for a certain number of fish to be above  
20 thirteen inches. Basically, that would mean three, four,  
21 or five of those fish could be between thirteen and  
22 fourteen inches that people would be allowed to keep.

23 We could also look at recreational size limits.  
24 Obviously, as Commissioner Bosarge said, Florida is  
25 definitely the most aggressive. A strategy that they have

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1 taken is five fish, with one over twenty inches per  
2 person. Some of the other things they did consider and  
3 which we can consider is fifteen fish per person thirteen  
4 inches and one over twenty inches. Fifteen fish per  
5 person fourteen inches and one over twenty inches. Ten  
6 fish per person fourteen inches and one over twenty  
7 inches, and so on and so on.

8 We can talk about recreational quotas. We do  
9 have a quota system in the commercial fishery. We can set  
10 a metric ton yield and close the recreational fishery when  
11 it is reached, and, as I said, at a twenty percent SPR for  
12 the year of 2017, we would set it at two hundred and  
13 seventeen metric tons while we were in this rebuilding  
14 phase.

15 This is something that we would still have to  
16 work toward. It is something that we don't feel like we  
17 can put in place immediately, but it is something that we  
18 have talked with some Commissioners about and it is  
19 something that we may could start working towards in the  
20 future to have a system that can, at least, handle  
21 something like this.

22 COMMISSIONER BOSARGE: When you look at  
23 fisheries and fisheries that are successfully managed,  
24 most of them are managed under a quota system.

25 I know that here in Mississippi we have our

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1 TailSnScales Program, and I know Joe has said that it  
2 would be too much information for that system.

3 MATT HILL: Yes, sir.

4 COMMISSIONER BOSARGE: I don't say I propose to  
5 lose it, but I would love to see this staff work towards  
6 getting together a program that would implement and  
7 capture that information from the recreational fishery to  
8 where we could look at what the actual true production is  
9 and say, okay, now we know the numbers. Now, let's see if  
10 we can put a quota in place, and not necessarily a quota.  
11 I'm talking about a couple of years down the road. Once  
12 we get a system in place that will capture the  
13 information, then, that could be an option for us to be  
14 able to better manage the fishery.

15 MATT HILL: Yes, sir, and, like I said, this is  
16 something that we have talked about. Obviously,  
17 Commissioner Bosarge and I have talked about this, and it  
18 is something that I don't think we are ready to tackle  
19 quite yet, but it is something that we would like to start  
20 looking towards and maybe come up with some ideas and some  
21 things. It may not be a census-type thing. We may have a  
22 more intensive survey such as what Louisiana does to maybe  
23 track it better and get some realtime data to where we  
24 could institute something like this in the future.

25 COMMISSIONER BOSARGE: Matt, if you look at the

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# Commission on Marine Resources

61

1 changes in the way fishermen fish, it is almost to the  
2 point where, now, we almost have more fishermen than we  
3 have fish. I'm not saying that's a bad thing, but we have  
4 got to realize this and we have got to manage towards  
5 those goals. At some point in time, we are going to have  
6 to make management decisions that will actually recover  
7 the species. I'm looking ahead a little bit further into  
8 the future maybe.

9 There is a class going on right now over at the  
10 lab in Ocean Springs teaching people to fish. That's  
11 great, but it puts more pressure on the fish.

12 MATT HILL: Yes, sir.

13 COMMISSIONER BOSARGE: Everybody is getting a  
14 little smarter with social media. One person catches  
15 fish, and we've got everybody headed that way the next  
16 day. Things are changing and they are changing quickly.  
17 We've got to make management decisions with that in mind.

18 MATT HILL: Yes, sir, and, like I said, this is  
19 something that we will look into and try to come up with  
20 some type of system, once we work through some of this  
21 rebuilding, but it will be a little way down the road  
22 before we could get a system to handle such a large  
23 fishery.

24 COMMISSIONER BOSARGE: The way I understand it  
25 you are going to put all this information into a model,

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62

1 and, then, come back to make some recommendations to the  
2 Commission?

3 MATT HILL: We are going to try to do some  
4 forecasting with it and make some recommendations on what  
5 we think should happen, if it's a three-year time period,  
6 or a five-year time period. We may even go to a seven-  
7 year time period just so the Commission will have  
8 something to consider and how aggressive the -- I hate to  
9 say regulations. I like to say the interim regulations  
10 because I still would like these to be flexible, if the  
11 fishery rebuilds and continues to grow. We feel like it  
12 will. If we put the correct management options in place,  
13 we feel like we can rebuild this fishery and we can  
14 rebuild it quickly.

15 Like I said on the quotas, this does work for  
16 the commercial because of the size of the fleet and we do  
17 have the Trip Ticket Program. A lot of the commercial  
18 fishermen are very familiar with it. We still have a few  
19 kinks in it, but it gets better and better every year.  
20 The Trip Ticket Program is actually how we monitor the  
21 quota for our three State species; flounder, red drum and  
22 spotted seatrout. We have been successful with that.

23 Another thing we could look at are some  
24 recreational gear restrictions. We can prohibit treble  
25 hooks. We looked at that before. The data really doesn't

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63

1 support it, but it is an option. Prohibit multiple rigs.  
2 Line material requirements and any other restrictions the  
3 Commission may see fit.

4 We were kind of lost on this one a little bit,  
5 but this is what we came up with. We do have gear  
6 restrictions in the commercial fishery, and we tried to  
7 come up with some for the recreational fishery to try to  
8 slow down some of the harvest.

9 Seasonal and area closures. Commercially you  
10 are presently prohibited from fishing above the CSX  
11 railroad at any time. The commercial also has a closure  
12 during November through January.

13 We can possibly talk about recreational  
14 closures, and the staff feels if this is an option that it  
15 would best benefit the resource, not necessarily the  
16 fishermen, but the resource, during the spawning period  
17 sometime in the April, or May, period.

18 COMMISSIONER BOSARGE: I don't want to harp too  
19 hard on the subject, but you talk about commercial  
20 closures. The typical gear that was used to catch  
21 speckled trout was --

22 MATT HILL: (Interposing) Correct.

23 COMMISSIONER BOSARGE: When you talk about what  
24 has been done to commercial fishermen, I would like to  
25 back up just a little bit more. In other words, a half

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64

1 mile off the beach.

2 Correct?

3 MATT HILL: Yes, sir.

4 COMMISSIONER BOSARGE: You can't fish on  
5 weekends.

6 Correct?

7 MATT HILL: Correct.

8 COMMISSIONER BOSARGE: You know them better than  
9 I do. Nowhere within one mile of the islands.

10 MATT HILL: Twelve hundred feet around piers.

11 COMMISSIONER BOSARGE: Twelve hundred feet  
12 around the piers.

13 MATT HILL: Canals. Tributaries. It's a long  
14 list.

15 COMMISSIONER BOSARGE: I mean, if I look right  
16 here and I look at commercial fishing, they haven't really  
17 been hurt that bad, but the reason that they can't hardly  
18 harvest their fifty thousand pound quota is because  
19 they've got no tools left and they've got nowhere to use  
20 them.

21 MATT HILL: Yes, sir.

22 COMMISSIONER BOSARGE: Let's just make that  
23 clear. In other words, at one point in time, it was the  
24 commercial fishermen that were decimating the speckled  
25 trout population. We got that under control. That's not

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1 happening anymore, but I just want folks to know, when you  
2 talk about the different things that can be done, no more  
3 monofilament. It's got to be biodegradable material. In  
4 other words, there are a bunch of regulations for us to  
5 ponder this side of the fishery.

6 MATT HILL: Yes, sir, and the seasonal and  
7 especially the area closures do get complicated, but there  
8 are definitely some extensive area closures for the  
9 commercial fishery. They are too long to list.

10 COMMISSIONER BOSARGE: Actually, there is really  
11 no place left for them to fish, period.

12 MATT HILL: Okay. I guess we have some  
13 questions.

14 COMMISSIONER GOLLOTT: Do you have any  
15 questions?

16 COMMISSIONER BOSARGE: Well, I think what we  
17 need to do is to give you some parameters to go by.  
18 Correct?

19 Is that right, Matt?

20 MATT HILL: I think we have established a  
21 baseline SPR and maybe looking at something a little bit  
22 higher than that, and I definitely would like to look at a  
23 time frame.

24 COMMISSIONER BOSARGE: We need to give you some  
25 things to plug into the model.

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1 MATT HILL: Correct.

2 COMMISSIONER BOSARGE: And I think everybody  
3 here at least is pretty set that we are going to have to  
4 go to a fourteen inch fish. That's a no brainer.

5 MATT HILL: Correct.

6 JOE JEWELL: Some of the things that the  
7 Commission has discussed and staff has discussed  
8 internally and discussed with the Commission is size  
9 changes to fourteen inches. The Commission can take that  
10 up today for consideration.

11 They have discussed bag limits, shifting from  
12 fifteen to twelve. That's a potential for consideration.

13 COMMISSIONER BOSARGE: I would like to see you  
14 come back with bag limits. In other words, you are going  
15 to have to tell us how many fish we are going to be  
16 allowed to catch to meet our target.

17 JOE JEWELL: We have to have some information to  
18 place in the model. Certainly, SPR is a great thing to  
19 have. Size limit is a great thing to have. Bag limits  
20 would be a great thing to have, but we also discussed  
21 potential area closures.

22 COMMISSIONER GOLLOTT: We want you to come back  
23 and say, okay, if we do it this way, we will have recovery  
24 in three years. If we do it a different way, we are going  
25 to have it in five years.

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1 JOE JEWELL: We have to have some parameters.  
2 You can't have a list of parameters because you won't know  
3 what made it successful, or not.

4 With one, or two, parameters to stick in the  
5 model, we can come back before the Commission and tell you  
6 here's the time line that will get you where you want to  
7 be. It will be three years, or five years, but the  
8 Commission would have to vote on those changes.

9 I'm sorry?

10 COMMISSIONER BOSARGE: I say three to five  
11 years. I don't see us going any more than five years.  
12 That is basically the life cycle of the fish.

13 JOE JEWELL: If the Commission chooses to change  
14 the length to fourteen, or fifteen, inches, or whatever,  
15 that would require a regulatory change to Title 22 Part 7,  
16 and we would have to go out for a Notice of Intent.

17 COMMISSIONER BOSARGE: I guess what we need from  
18 you, Joe, is you need to tell us what we need to do to  
19 move this process forward.

20 In other words, do you want this Commission to  
21 tell you that we want you to figure nothing less than a  
22 fourteen-inch fish?

23 Do you want us to tell you that we want area  
24 closures, or twelve fish?

25 COMMISSIONER GOLLOTT: I think we need to give

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1 you a three- to five-year recovery and let you go from  
2 there.

3 MATT HILL: I just talked with Dr. Leaf. He is  
4 the one that will be running the model, and he said  
5 definitely the most helpful thing from today was the  
6 twenty percent SPR, or twenty-two percent. We can run  
7 those several different ways.

8 With the fourteen inch minimum size limit, he  
9 says the bag limit, projecting that is going to be  
10 difficult. I mean, we can make some tries at it, but he  
11 said definitely we can come up with a reasonable time  
12 period, with those two options, with the rebuilding at a  
13 certain percent SPR with that fourteen inch minimum size  
14 limit because what that allows him to do is take those  
15 thirteen to fourteen inch fish, and we have that  
16 information being harvested out of the model. So they are  
17 no longer available to the fishery.

18 COMMISSIONER GOLLOTT: Wait a minute. Let's  
19 don't close that door too fast.

20 I would like to see at least a couple of  
21 undersize thirteen inch fish allowable.

22 MATT HILL: And we could still do that, once we  
23 have the parameters, especially the size parameter, and if  
24 we know how many are between thirteen and fourteen inches,  
25 but, then, we can also plug that in, if you keep two. We

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1 can do that.

2 The bag limit, Dr. Leaf has told me that is  
3 tricky.

4 COMMISSIONER BOSARGE: Tricky as in for him to  
5 tell us a bag limit, or for us to tell him the bag limit?

6 MATT HILL: If you had a bag limit, he can do  
7 something with that, but for him to say, if you say five  
8 years, it is going to be hard for him to say, well, the  
9 bag limit should be ten. If you tell him run it with a  
10 ten, or a twelve, I think he can project that out far  
11 enough for us to where we can get some type of answer.

12 COMMISSIONER BOSARGE: I personally don't see  
13 anything more than ten. I mean, if we are in a rebuilding  
14 stage, we have got to cut back somewhere.

15 JAMIE MILLER: Matt and Joe, I think there is  
16 one piece missing here. I think everybody is trying to  
17 get at it, and I may be missing it, too, but let me put it  
18 in my own words.

19 I think what you are asking of the Commission is  
20 what types of changes are on the table.

21 Is bag limit on the table? Yes.

22 Is minimum size on the table? Yes.

23 Is slot limit on the table? Yes.

24 Is season closures on the table?

25 Is there anything that you have heard this

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1 morning in the options that the Commission is just not  
2 even willing to consider, meaning don't even take it back  
3 into the model and look at it?

4 Is there any item that y'all have heard?

5 COMMISSIONER GOLLOTT: I don't think anything is  
6 off the table. whatever it takes to rebuild the fishery.

7 JAMIE MILLER: Instead of them saying let's look  
8 at a twelve, a ten, or an eight bag limit, they want to  
9 look at whatever Dr. Leaf comes back with and says at this  
10 size limit, or this slot limit, or this bag limit, here is  
11 the time frame that you are going to get to a twenty  
12 percent SPR, and that may be three years, five years,  
13 seven years, or ten years, and, then, the Commission will  
14 have a menu of options that they can look at and consider,  
15 but we don't know what the model is going to say.

16 They set an SPR this morning, and all these  
17 options they are saying are available for change, and I  
18 think Dr. Leaf and y'all are going to have to go back,  
19 and, then, bring those options back in September.

20 COMMISSIONER GOLLOTT: Yes.

21 JOE JEWELL: There are two processes going on.  
22 I want to separate those two processes because we  
23 presented data to y'all this morning, we presented model  
24 results for y'all, and we presented recommendations.

25 The Commission can act on those recommendations

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1 and start a regulatory process. Now, that is one process.

2 If the Commission chooses not to do that, if the  
3 Commission says we still want to put some data in the  
4 model and not enact the regulatory processes, well, that's  
5 a separate process.

6 We have to make sure we are understanding what  
7 is going on because, if the Commission says we just simply  
8 want to look at the model and we want to put this into it,  
9 fourteen inch fish, that's not a regulatory process.

10 If the Commission says we feel strongly about  
11 the presentation you put forward this morning and we need  
12 to act on this and we want a fourteen inch minimum, then,  
13 that's a regulatory process and we would have to engage in  
14 a Notice of Intent and some other things would have to  
15 happen.

16 We need guidance in which direction y'all are  
17 trying to go with this.

18 COMMISSIONER BOSARGE: I think the direction we  
19 want to go, Joe, is you giving us the tool to help us  
20 manage this fishery.

21 Now, we want to give you some of the parameters.

22 We are not going to regulatory change the size  
23 limit.

24 JOE JEWELL: Not the regulatory change.

25 COMMISSIONER BOSARGE: We are telling you these

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1 are the changes we see we think would work for the public  
2 and for us, and plug them into your model and tell us will  
3 it work and, if it is going to work, what time frame and  
4 how do we have to go about it to make sure. I mean,  
5 you've got the model. You've got the tool.

6 JOE JEWELL: You are asking us to come back in  
7 September and tell you what the results of that was?

8 COMMISSIONER BOSARGE: Yes, sir.

9 JOE JEWELL: The first parameter we heard we  
10 definitely got change on is twenty percent SPR.

11 COMMISSIONER BOSARGE: Correct.

12 JOE JEWELL: What is next, fourteen?

13 COMMISSIONER BOSARGE: Fourteen inches.

14 JOE JEWELL: Okay.

15 COMMISSIONER BOSARGE: Really, instead of us  
16 telling you a bag limit, I think the model should be able  
17 to tell you that.

18 JOE JEWELL: It is a lot harder to do it in  
19 reverse.

20 COMMISSIONER GOLLOTT: I understand it is going  
21 to be a lot of work, but that's what we pay y'all to do.

22 COMMISSIONER BOSARGE: If you have to, plug it  
23 in at twelve fish, plug in at ten fish, plug it in at  
24 eight fish, and, then, come back with some data.

25 To me, an area closure for the first year is not

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# Commission on Marine Resources

73

1 out of the question. I think that's a discussion we need  
2 to have because that is something you are going to need to  
3 know to be able to put in your model.

4 JOE JEWELL: We will consider those parameters,  
5 and we will come back before the Commission in September.

6 COMMISSIONER BOSARGE: I'm sorry. I didn't hear  
7 you, Joe.

8 JOE JEWELL: I said we will consider those model  
9 parameters and come back before the Commission in  
10 September with those data results for y'all to take  
11 further action, or no action.

12 COMMISSIONER BOSARGE: Right.

13 JOE JEWELL: We can do that. Thank y'all.

14 Our final action item on the agenda for Marine  
15 Fisheries is State record considerations, and the  
16 presenter will be Mr. Jon Barr.

17 JON BARR: Good morning Commissioners, Director  
18 Miller, Ms. Chestnut.

19 We have four State records up for consideration.  
20 The first three are conventional tackle. The first two  
21 were caught by Mr. David Rogers.

22 First is a Bull Shark, a *Carcharhinus leucas*.  
23 The old record was a hundred and sixty-four pounds six  
24 ounces. The new record is two hundred and three pounds.

25 There is Mr. Rogers and the Bull Shark

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74

1 (indicating photograph).

2 The next one is a Tiger Shark, *Galeocerdo*  
3 *cuvier*. The old record was a hundred and seventy-three  
4 pounds twelve ounces. The new record is three hundred and  
5 ninety pounds.

6 There is Mr. Rogers and the Tiger Shark  
7 (indicating photograph).

8 JAMIE MILLER: Speak up, Jon, like you are happy  
9 to be up there.

10 JON BARR: The next one is a Finetooth Shark,  
11 *Carcharhinus isodon*. The old record was twenty-two pounds  
12 nine point six six ounces. The new record is thirty-four  
13 pounds eight point six four ounces. The angler is Mr.  
14 Mark Huffmaster.

15 There's the Finetooth, and there's Mr.  
16 Huffmaster with the Finetooth (indicating photographs).

17 The fourth one is a fly fishing record. It's a  
18 Tripletail, *Lobotes surinamesis*. The old fly record was  
19 sixteen pounds eleven point eight four ounces. The new  
20 record is twenty-four pounds seven point zero one ounces.  
21 The angler is Mr. Scott Corlew.

22 There is the Tripletail at the scales in  
23 kilograms, and there is Mr. Corlew with the Tripletail  
24 (indicating photographs).

25 what is required is a motion to adopt these new

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75

1 State records.

2 COMMISSIONER GOLLOTT: Do we have a motion?

3 COMMISSIONER BOSARGE: I'll make a motion that  
4 we adopt the State's new records into the State record.

5 COMMISSIONER GOLLOTT: We have a motion.

6 Do we have a second?

7 COMMISSIONER HARMON: I'll second that motion.

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

10 All those in favor say aye.

11 (All in favor.)

12 COMMISSIONER GOLLOTT: Opposed?

13 (None opposed.)

14 COMMISSIONER GOLLOTT: Motion carries.

15 At this time, I would like to call about a ten-  
16 minute break.

17 (whereupon, a short recess was taken.)

18 COMMISSIONER GOLLOTT: Back on the record.

19 Up next is Mr. Jan Boyd.

20 JAN BOYD: Good morning Mr. Chairman,  
21 Commissioners, Director Miller, Ms. Chestnut.

22 We have one action item for your consideration  
23 this morning, and Chris Pickering will be our presenter.

24 CHRIS PICKERING: Good morning.

25 Next up we've got a violation and a request for

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76

1 after-the-fact waiver, by Mr. Lennie Sheffield, Jr., DMR  
2 Number 160063. It is located on Beardslee Lake at 4219  
3 Dantzler Street in Moss Point, Jackson County,  
4 Mississippi. It is in the General Use District, and the  
5 agent is Coastal Painting and General Contracting,  
6 Incorporated.

7 They were permitted with a General Permit  
8 previously for a bulkhead two hundred and seventy-six feet  
9 in length and a boathouse thirty-seven by twenty-seven.  
10 They were permitted for debris removal which was riprap  
11 three feet in length, and they were also permitted for  
12 maintenance dredging thirty-seven by twenty-seven feet for  
13 approximately fifty cubic yards of material. The total  
14 shading they were permitted for was nine hundred and  
15 ninety-nine square feet.

16 Currently existing they constructed a bulkhead  
17 three hundred and forty-three and a half feet in length, a  
18 boathouse forty-one by thirty-two, and they placed riprap  
19 in an area that wasn't permitted eight feet in length.  
20 The total shading is currently thirteen hundred and twelve  
21 square feet.

22 They are proposing an addition to the boathouse  
23 forty-one by eleven and an addition to the boathouse  
24 forty-one by eight, a triangular pier eleven by nine, and  
25 another triangular pier eight by nine. The total proposed

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(228) 396-8788

August 16, 2016

1 shading will be two thousand five point five square feet.

2 The yellow thumbtack represents the project  
3 location. As you can see, I-10, Highway 613 and Highway  
4 90 (indicating photograph).

5 A zoomed-in aerial. This is where the structure  
6 is, now, and the proposed location of the rest of the  
7 structures they are proposing (indicating photograph).

8 This is a diagram of the bulkhead, the eight  
9 feet of riprap that wasn't permitted, and the shaded areas  
10 are the proposed areas, and, of course, this is the  
11 existing structure that was permitted out of compliance.

12 This is a picture of the existing boathouse.

13 On November 3<sup>rd</sup>, 2015, a General Permit was  
14 issued to Lennie Sheffield, Jr., for a bulkhead,  
15 boathouse, debris removal and dredging.

16 On March the 7<sup>th</sup>, 2016, the DMR received a  
17 request to modify the previous permit for the addition of  
18 two boathouse roofs.

19 On May 23<sup>rd</sup>, 2016, a site visit by staff revealed  
20 the bulkhead, riprap and boathouse were out of compliance  
21 with the previous permit.

22 On June 7<sup>th</sup>, 2016, staff notified Mr. Sheffield  
23 of the violation. Mr. Sheffield then submitted an  
24 application for after-the-fact authorization of the  
25 existing structures and proposed additions.

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1 Staff has conducted a thorough evaluation and,  
2 because a Certificate of Waiver would have been issued had  
3 an application been submitted prior to completing the  
4 structures, recommends the Commission approve the  
5 applicant's request for after-the-fact authorization.

6 Staff also recommends that a fine be issued to  
7 the agent in accordance with Mississippi Code 49-27-51.

8 The violation was discovered on May 23<sup>rd</sup>, 2016,  
9 and it lasted sixteen days. Maximum potential fine is  
10 eight thousand dollars. We are recommending a fine be  
11 issued to Coastal Painting and General Contracting,  
12 Incorporated, in the amount of five hundred dollars. This  
13 is the first fine that we have found that they have been a  
14 part of.

15 Our decision factors. The agent constructed the  
16 structures out of compliance with the previous permit.  
17 The agent is familiar with the permitting process. The  
18 applicant has been very cooperative throughout the after-  
19 the-fact permitting process and says he was not aware the  
20 structures were out of compliance with the previous  
21 permit.

22 I don't believe the owner of the boathouse, or  
23 the contractor, is here.

24 COMMISSIONER GOLLOTT: Would you like to say  
25 something?

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1 FROM THE FLOOR: No.

2 COMMISSIONER GOLLOTT: Any questions?

3 (No response.)

4 COMMISSIONER GOLLOTT: The only thing I disagree  
5 with is the fine. I think it should be a minimum of a  
6 thousand dollars, but I'll let some of the rest of the  
7 Commissioners comment, or if they have any questions.

8 COMMISSIONER BOSARGE: I guess, from what I  
9 understand, they permitted the structure, and, then, once  
10 they got to building it, they decided they wanted to make  
11 some changes.

12 He contacted you to make the changes, but, then,  
13 before he got approval, he went ahead and made the  
14 changes.

15 Is that correct?

16 CHRIS PICKERING: A permitter who is no longer  
17 with us previously permitted the General Permit. I'm  
18 assuming they wanted to stay under the General Permit  
19 guidelines so they didn't have to go through the Corps to  
20 get a permit, also. Once they started constructing it,  
21 they constructed it over the shading that they were  
22 permitted for the boathouse, and, then, they came in to  
23 reapply for those two additions on each side.

24 COMMISSIONER BOSARGE: Maybe I misread the  
25 chronology. I guess we are saying the same thing. They

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1 actually asked for the changes at the same time they were  
2 making the changes.

3 Am I reading the chronology correct?

4 SANDY CHESTNUT: Go back to the chronology,  
5 Chris. That might help.

6 CHRIS PICKERING: When they came in and asked  
7 for the changes for the modification, they said that the  
8 boathouse was built thirty-seven by twenty-seven, and it  
9 was not built thirty-seven by twenty-seven. It was built  
10 forty-one by thirty-two.

11 SANDY CHESTNUT: If you keep going back, they  
12 were originally permitted for nine hundred and ninety, I  
13 think it was.

14 CHRIS PICKERING: You want the chronology?

15 SANDY CHESTNUT: No. Actually, the project  
16 description.

17 CHRIS PICKERING: Okay.

18 SANDY CHESTNUT: And they actually built it at  
19 thirteen hundred and something.

20 CHRIS PICKERING: Yes. They were permitted for  
21 nine hundred and ninety-nine which was under a General  
22 Permit.

23 SANDY CHESTNUT: And, then, they came in and  
24 asked for additional on top of that, totaling an extra two  
25 thousand and five and a half.

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# Commission on Marine Resources

81

1 COMMISSIONER BOSARGE: Is that where it's at,  
2 now?  
3 CHRIS PICKERING: No. It is currently at  
4 thirteen hundred and twelve. They are asking to keep  
5 that, plus build it to two thousand five-and-a-half feet.  
6 COMMISSIONER BOSARGE: I think our cutoff is two  
7 thousand feet.  
8 Correct?  
9 CHRIS PICKERING: Two thousand and sixteen was  
10 the precedent. So they are under that.  
11 COMMISSIONER BOSARGE: Did you make a motion?  
12 COMMISSIONER GOLLOTT: I didn't make a motion.  
13 I just made a comment.  
14 COMMISSIONER BOSARGE: I'll make a motion that  
15 we accept the staff's recommendations, and I agree with  
16 the five hundred dollar fine. I think it was probably  
17 both parties involved.  
18 Of course, the contractor needs to understand  
19 that he has got to abide by what the permit says.  
20 COMMISSIONER GOLLOTT: We have a motion to  
21 accept the staff's recommendation, with a thousand dollar  
22 fine.  
23 Is that correct?  
24 COMMISSIONER BOSARGE: Five hundred dollar.  
25 COMMISSIONER GOLLOTT: Five hundred dollar fine?

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82

1 COMMISSIONER BOSARGE: Yes.  
2 COMMISSIONER GOLLOTT: Do we have a second?  
3 COMMISSIONER HAVARD: I'll second that.  
4 COMMISSIONER GOLLOTT: All those in favor say  
5 aye.  
6 (All in favor.)  
7 COMMISSIONER GOLLOTT: Opposed?  
8 (None opposed.)  
9 COMMISSIONER GOLLOTT: Motion carries.  
10 Next we have financial, Kacey Williams.  
11 KACEY WILLIAMS: Good morning Commissioners,  
12 Director Miller and Ms. Chestnut.  
13 These are the financial results as of July the  
14 31<sup>st</sup>, 2016.  
15 At the end of July, our State revenue is three  
16 point one million, and our total Agency revenue was three  
17 point one, also.  
18 Our State net income was two point eight  
19 million, and our total Agency net income was two point  
20 six.  
21 After the first month of fiscal year 2017, we  
22 have ninety-eight point two percent of the Operating  
23 Budget and ninety-nine point two percent of the Tidelands  
24 Budget remaining.  
25 Any questions?

Lucille Morgan, CSR 1251  
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83

1 COMMISSIONER GOLLOTT: No questions. Thank you.  
2 KACEY WILLIAMS: Thank you.  
3 COMMISSIONER GOLLOTT: Melissa.  
4 MELISSA SCALLAN: Good morning Commissioners,  
5 Director Miller, Ms. Chestnut.  
6 I usually start off by telling y'all how many  
7 times we were mentioned in the news, but I'm going to  
8 start with the news, actually, this time.  
9 Our chef that represented Mississippi in the  
10 Great American Seafood Cookoff was the winner of that  
11 cookoff. Alex Eaton of The Manship Wood-Fired Kitchen in  
12 Jackson was crowned the winner. There were ten other  
13 chefs in that competition, and we are very proud of him.  
14 He is going to go on and represent Mississippi in the  
15 World Food Championship in November. We are looking  
16 forward to that, too.  
17 COMMISSIONER BOSARGE: I believe the dish was  
18 also shrimp that he served.  
19 MELISSA SCALLAN: It was shrimp. It was three  
20 different types of shrimp that he cooked three different  
21 ways. He said it was risky. He had some issues with his  
22 sauce. I don't know. The butter separated.  
23 COMMISSIONER BOSARGE: It turned out good.  
24 MELISSA SCALLAN: It did turn out very well. He  
25 was very excited. We will probably do some more events

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84

1 with him. Mississippi has had three Great American  
2 Seafood Cookoff winners, since they started. We are tied  
3 with Louisiana that has had three, also.  
4 The winning of that competition was a big part.  
5 We got a lot of press out of that. We were mentioned  
6 sixty-five times in media. That was part of it.  
7 Commissioner Havard joining us was one of them.  
8 Unfortunately, Commissioner Zimmerman passing was also a  
9 big part of that.  
10 Our Office of Marine Patrol held five boat-and-  
11 water safety classes in July and certified thirty-three  
12 students. They also participated in several community  
13 events, including Kayaking for a Cause, the Pink Paddle  
14 kayaking event and the summer reading program at the Long  
15 Beach Library, as well as two boat-and-water safety fair  
16 events.  
17 Thank you.  
18 COMMISSIONER GOLLOTT: Thank you, Melissa.  
19 Do we have any other business to come before the  
20 Commission?  
21 (No response.)  
22 COMMISSIONER GOLLOTT: What about public  
23 comments?  
24 We don't have any public comments.  
25 Do I have a motion to adjourn?

Lucille Morgan, CSR 1251  
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August 16, 2016

COMMISSIONER BOSARGE: So moved, Mr. Chairman.  
 COMMISSIONER GOLLOTT: We have a motion.  
 Do we have a second?  
 COMMISSIONER HARMON: So seconded, Mr. Chairman.  
 COMMISSIONER GOLLOTT: All those in favor say  
 aye.  
 (All in favor.)  
 COMMISSIONER GOLLOTT: Opposed?  
 (None opposed.)  
 COMMISSIONER GOLLOTT: Meeting adjourned.  
 (Whereupon, at 11:10 o'clock, a.m., the August  
 16, 2016, meeting of the Commission on Marine Resources  
 was concluded.)

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C E R T I F I C A T E

I, Lucille Morgan, Certified Shorthand Reporter, do  
 hereby certify that the above and foregoing is a true and  
 correct transcript of the August 16, 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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