COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

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

Commission Members:

Richard Gollott, Chairman

Steve Bosarge, Vice Chairman

Mark Havard

Ron Harmon

Also Present:

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

COMMISSIONER GOLLOTT: I would like to welcome everyone to the September meeting of the Commission on Marine Resources.

I will ask Jamie Miller to lead us in the pledge.

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER GOLLOTT: We have next approval of the minutes for August the 16th.

Do I have a motion, or any modifications?

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: They are approved.

Approval of the minutes for August the 11th.

Do we have any modifications, or do we have a motion?

COMMISSIONER BOSARGE: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER HARMON: Second, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: It's approved.

We have approval of the agenda.

Do we have any modifications?

COMMISSIONER HAVARD: Mr. Chairman, I would like to make some modifications to the order. I would like to move 5, 6a, 6 and 4 in front of number one.

COMMISSIONER GOLLOTT: Do we have any more modifications, or do we have a motion?

COMMISSIONER BOSARGE: Could you repeat that one more time?

COMMISSIONER HAVARD: I would like to move number 5, 6a, 6 and 4 in front of number 1.

COMMISSIONER GOLLOTT: We have a motion to amend the agenda.

Do we have a second?

COMMISSIONER BOSARGE: So seconded.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Motion is approved.

COMMISSIONER GOLLOTT: Next we have the Executive Director's report.

JAMIE MILLER: Thank you, Chairman.

I just have one item. I would like the Commission to consider moving the October meeting to Hancock County. Each year, or throughout the year, we move four meetings outside of Harrison County. Twice in Hancock County. Twice in Jackson County. In October, I would ask the Commission to consider moving the regular meeting to the Hancock County location.

COMMISSIONER GOLLOTT: Do we have a motion?

COMMISSIONER HAVARD: Mr. Chairman, I would like to make a motion that we move the next meeting to Hancock County.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER BOSARGE: So seconded.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Motion carries.

SANDY CHESTNUT: Are you going to leave the time the same, or are you going to move it to ten?

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

SANDY CHESTNUT: Yes.

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

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

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

COMMISSIONER GOLLOTT: Office of Marine Patrol.

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

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

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

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

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

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

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

RUSTY PITTMAN: The first of August.

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

RUSTY PITTMAN: Federal rule, yes.

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

RUSTY PITTMAN: Right.

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

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

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

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

What was that?

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

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

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

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

COMMISSIONER GOLLOTT: Thank you, sir.

RUSTY PITTMAN: Thank you.

COMMISSIONER GOLLOTT: Next we have Joe Jewell.

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

schedule.

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

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

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

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

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

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

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

CLARENCE SEYMOUR: There is it (indicating

slide).

Are there any questions?

COMMISSIONER BOSARGE: I had maybe one question.

CLARENCE SEYMOUR: Yes, sir.

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

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

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

CLARENCE SEYMOUR: Yes. Absolutely.

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

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

Federal Fishery.

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

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

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

COMMISSIONER BOSARGE: Thank you.

COMMISSIONER GOLLOTT: Quick question for you.

CLARENCE SEYMOUR: Yes, sir.

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

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

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

COMMISSIONER GOLLOTT: Yes.

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

COMMISSIONER GOLLOTT: Do you understand my question?

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

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

but I was just curious.

Have y'all thought about that?

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

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

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

COMMISSIONER GOLLOTT: Thank you, sir.

CLARENCE SEYMOUR: Thank you.

JOE JEWELL: Thank you, Clarence.

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

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

We had someone submit a request to speak.

COMMISSIONER GOLLOTT: Don Abrams.

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

on the Gulf Coast, HOSSFLY.

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

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

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

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

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

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

different cat. We are more like Florida and Alabama.

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

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

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

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

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

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

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

Which one are people going to brag about?

Which one are people going to show photos of to their friends?

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

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

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

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

Thank you.

COMMISSIONER GOLLOTT: Thank you, sir.

Next we have David Wells.

DAVID WELLS: Good morning Commissioners and Director.

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

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

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

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

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

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

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

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

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

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

Thank you very much.

COMMISSIONER GOLLOTT: Thank you, sir.

Joe.

JOE JEWELL: I would like to thank the public

for those comments.

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

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

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

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

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

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

important species in Mississippi waters.

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

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

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

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

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

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

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

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

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

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

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

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

sustainable resource in a reasonable time limit.

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

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

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

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

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

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

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

COMMISSIONER BOSARGE: Biomass of croakers, yes, sir.

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

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

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

speckled trout feed on because that's important.

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

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

COMMISSIONER BOSARGE: Thank you, sir.

F. J. EICKE: Thank you.

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

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

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

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

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

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

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

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

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

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

I mean, I'm looking and thinking and going

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

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

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

JOE JEWELL: For Spotted Seatrout.

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

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

COMMISSIONER BOSARGE: Correct.

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

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

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

PAUL MICKLE: Good morning Commissioners.

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

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

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

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

Completed internal review here at MDMR, in May.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

All states, except Louisiana and Mississippi,

are at fourteen inch minimum, or greater.

No states have undersized allowances.

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

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

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

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

Am I looking at this thing wrong?

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

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

COMMISSIONER GOLLOTT: One more question for you.

When did you start this assessment?

PAUL MICKLE: When did we start our assessment?

COMMISSIONER GOLLOTT: Yes.

PAUL MICKLE: About a year ago is when it began. It takes a long time to get all the data together and start building models.

Anybody else?

COMMISSIONER BOSARGE: Yes.

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

Where is this mortality coming from?

PAUL MICKLE: You're talking about fishing mortality?

COMMISSIONER BOSARGE: Fishing mortality.

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

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

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

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

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

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

good path to recovery.

PAUL MICKLE: Yes.

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

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

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

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

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

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

try it. We are allowing the model to give us direction. Management decisions should be made by y'all.

COMMISSIONER BOSARGE: Continue.

PAUL MICKLE: Thank you.

Let's get to the numbers here. Last month Matt and I presented these management options to you, and you gave us direct incentives and requests to use the model to give you decision-making matrix to allow for your management decisions.

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

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

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

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

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

indications here today.

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

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

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

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

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

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

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

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

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

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

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

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

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

Question, Steve?

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

PAUL MICKLE: Absolutely. Yes.

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

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

COMMISSIONER BOSARGE: Right.

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

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

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

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

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

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

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

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

COMMISSIONER BOSARGE: They have got to survive.

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

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

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

COMMISSIONER BOSARGE: What is the average catch?

MATT HILL: Six.

COMMISSIONER BOSARGE: Six fish?

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

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

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

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

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

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

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

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

COMMISSIONER GOLLOTT: Paul.

PAUL MICKLE: Yes, sir.

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

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

COMMISSIONER GOLLOTT: Go ahead.

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

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

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

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

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

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

PAUL MICKLE: Absolutely, efficiency of fishing.

MATT HILL: I figured this would be a question

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

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

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

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

COMMISSIONER GOLLOTT: Why is it three years behind?

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

COMMISSIONER GOLLOTT: 2015 should be.

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

PAUL MICKLE: The way that the Federal

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

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

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

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

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

PAUL MICKLE: Absolutely.

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

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

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

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

COMMISSIONER GOLLOTT: Where does fishing mortality come from, the data?

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

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

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

Right?

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

The only thing we can control is F, the actual fishing mortality. That's what we can control.

COMMISSIONER GOLLOTT: Any more questions?

(No response.)

COMMISSIONER GOLLOTT: Thank you very much. That was a very informative presentation.

PAUL MICKLE: Thank you.

MATT HILL: Thank you.

JOE JEWELL: Thank you, Commissioners.

Next up on the agenda for your consideration is final adoption of Title 22 Part 4, Mandatory Crab Trap Escape Rings, and it will be presented by Mr. Rick Burris.

RICK BURRIS: Good morning Commissioners, Director Miller and Ms. Chestnut.

Today, I'm going to bring to the Commission the final adoption of Title 22 Part 4, Rules and Regulations for the Taking of Crabs in the State of Mississippi.

If you remember, at the August 16th meeting, the CMR passed a Notice of Intent. The same day that Notice of Intent was filed with the Secretary of State's office. You will see a copy of that filed Notice right here on the right (indicating slide).

Also on the same day public notice was posted on the DMR web page.

On August the 20th, the Sun Herald posted that

notice in the legal notices section. There's a copy of that on the screen.

The public comment period was August 16th through September 19th. That's a total of thirty-four days. To date, no public comments have been received.

I will read that change into the record. If you remember, we added Section 115 to Chapter 6 Gear Regulations, and it reads as follows:

"All crab traps placed in the marine waters of the State of Mississippi shall be equipped with no less than two (2) escape rings positioned on the vertical outside walls of the trap, with at least one (1) ring located in each chamber. Escape rings must have a minimum of two and three-eights inches inside diameter. From April 1 to June 30 and from September 1 to October 31, escape rings may be obstructed for the purposes of retaining peeler, or buster, crabs."

What we will need to continue is a motion to proceed with final adoption of Amendment of Title 22 Part 4 Chapter 6 to add Section 115.

COMMISSIONER GOLLOTT: Do we have a motion on this?

COMMISSIONER BOSARGE: I'll make the motion to proceed with final adoption of Amendment of Title 22 Part 4 Chapter 6 to add Section 115.

COMMISSIONER GOLLOTT: 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.

Thank you.

RICK BURRIS: Thank you.

JOE JEWELL: Thank you, Rick.

Next up for the Commission's consideration is a presentation by Mr. Scott Gordon, shellfish season update.

COMMISSIONER BOSARGE: Joe, not to stretch out what we've already done, but we went through the presentation on Spotted Seatrout, and we didn't make a lot of headway.

Is there a chance that we could have a meeting, put together a meeting where we, as a Commission, can look at this data a little closer and try to come up with maybe some more recommendations to give to Paul and put in the model?

JOE JEWELL: We can absolutely consider that.

COMMISSIONER BOSARGE: A workshop.

JOE JEWELL: We can do that one of two ways because there is a summary page that we are working on and we will send it out to the Commission probably towards the end of the week.

We can conduct a public meeting, at the request of the Commission, so the public can provide input. We can do that, or both.

JAMIE MILLER: I would like to recommend that we do a workshop with the Commission first.

At the time the Commission does adopt, or propose, some regulatory changes, it is likely we are going to be asked to allow public comment at that time.

Let's have the workshop first, and, then, in that workshop, if we think we want to go out for a public meeting, we can do that, but we are certainly going to do it as part of any regulatory change.

JOE JEWELL: Absolutely.

COMMISSIONER GOLLOTT: Why don't we let Jamie set that up and contact the Commissioners?

JOE JEWELL: Sure.

COMMISSIONER GOLLOTT: Can we have a break, before Scott starts because he is long winded?

About a fifteen minute break.

(Whereupon, a short recess was taken.)

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

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

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

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

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

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

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

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

When you go out there and you take away the food, you take away the fish. You take away the big fish. You take away the small fish.

What causes that?

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

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

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

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

COMMISSIONER GOLLOTT: Can I ask you a question?

GEORGE STORRS: Yes.

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

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

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

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

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

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

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

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

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

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

COMMISSIONER GOLLOTT: Thank you, George.

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

COMMISSIONER GOLLOTT: Your turn, Mr. Scott.

SCOTT GORDON: Thank you.

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

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

I'm going to be talking about the upcoming

oyster season.

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

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

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

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

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

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

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

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

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

double what we had on the ground last year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Point Reef.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the case.

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

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

COMMISSIONER GOLLOTT: Yes, sir, I do.

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

Right?

SCOTT GORDON: Yes, sir.

COMMISSIONER GOLLOTT: What do we have under three inches?

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

COMMISSIONER GOLLOTT: What?

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

areas.

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

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

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

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

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

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

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

high mortalities from them as well.

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

SCOTT GORDON: Yes, sir.

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

SCOTT GORDON: Mr. Chairman?

COMMISSIONER GOLLOTT: Yes.

SCOTT GORDON: I have not completed my presentation yet.

COMMISSIONER GOLLOTT: Have you got some surprises for us?

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

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

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

chose overwhelmingly closing in April (indicating graph).

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

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

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

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

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

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

COMMISSIONER GOLLOTT: Scott, a quick question.

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

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

or four, years ago.

COMMISSIONER GOLLOTT: What does it look like? Have you checked it?

SCOTT GORDON: It looks fairly decent.

COMMISSIONER GOLLOTT: Have you made any estimates of how many sacks are in that seventeen acres?

SCOTT GORDON: Well, we combined the two. Again, that was the slide that I took out. I didn't think the Commission would have been as interested, but I can certainly provide that for you.

COMMISSIONER GOLLOTT: I would like to know how many shells we planted there and what can we expect to get out of it.

SCOTT GORDON: Yes, sir.

COMMISSIONER BOSARGE: Just so I understand correctly, you are wanting to separate the two areas.

In other words, basically, a quota for this area versus a quota for everything to the west?

SCOTT GORDON: Yes, sir.

COMMISSIONER BOSARGE: Thank you.

SCOTT GORDON: These are the western areas. One of my other recommendations would be, this approved area, that we not open that for harvest. Telegraph Reef has virtually nothing on it and, also, the southern part of Pass Marianne was hit pretty hard. I would recommend

keeping that closed. Between the bridges, I doubt very many people would go up in there, and we would have a low amount of harvest that could be allowed in there (indicating map).

We would recommend that some other special rules, new or special season, area rules, regulations, et cetera, over our standard opening order for the oyster season would be to keep the approved area closed due to lack of resource, close area within five hundred feet of artificial reef sites in Biloxi Bay for conditionally approved Area V inside Biloxi Bay.

This last one on here is that the harvesters launching their vessels at a launch site remote from a designated oyster check station, may, upon returning from harvesting and prior to unloading any oysters, trailer their vessel on land and along the most direct route to their designated oyster check station for checkout. Once the vessel has been checked out and the sacks of oysters are properly tagged, the sacks of oysters may then be unloaded from the vessel.

In the past, this is something that has kind of been allowed, but this year this might occur more often, especially if we have some boats that are wanting to work the St. Stanislaus area, or in Biloxi Bay, where they could maybe launch at a different site away from where the

check station will be.

Additionally, in any opening order, I would like to request that the Commission give the Executive Director the authority to close areas to conserve the resource, or close the season when a quota has been met, set daily commercial sack limits, open and close check stations, adjust checkout times and time to refrigeration, and, also, that harvesters provide correct change at the check stations whenever the are getting their tags.

I believe that concludes my presentation.

COMMISSIONER GOLLOTT: Mr. Scott, can I say something, now?

SCOTT GORDON: Yes, sir.

COMMISSIONER GOLLOTT: Like I said, I would like to make a motion that we open all areas at least until the next Commission meeting, and, then, we can look at it again.

A lot of times these fishermen can find oysters that y'all can't find. We have proven that the last two, or three, years.

If we have a rain, a two-inch rain, then, if you start closing the inside areas where they have to be closed, it would automatically close the outside reefs.

Close area within five hundred feet of artificial reef sites in Biloxi Bay for conditionally

approved Area V. I think that's important.

Harvesters launching their vessels, that is important.

What else were you asking for?

SCOTT GORDON: Quota.

COMMISSIONER GOLLOTT: The quota will be set at the next meeting. We want to see how it works out.

COMMISSIONER HAVARD: Let me understand this correctly.

We are going to let the quota be open, until the next meeting?

COMMISSIONER GOLLOTT: Yes.

No matter what the quota is, you're not going to meet it in a month.

COMMISSIONER BOSARGE: My concern would be that the Biloxi area may meet that.

COMMISSIONER GOLLOTT: Well, we're not going to open Biloxi. That's a tonging area. We're not going to open Biloxi until November. We are going to keep it closed.

COMMISSIONER HAVARD: Scott, is there any chance that we might meet quota, prior to our next meeting?

SCOTT GORDON: I've got another little slide up here that is for discussion purposes.

The answer will be yes.

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

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

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

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

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

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

SCOTT GORDON: You most certainly could.

COMMISSIONER GOLLOTT: What was the sack limit last year?

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

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

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

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

COMMISSIONER BOSARGE: (Interposing) What was the quota last year, Scott?

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

COMMISSIONER BOSARGE: When did it close?

SCOTT GORDON: We went into May.

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

SCOTT GORDON: Mr. Chairman, I would like to

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

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

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

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

Is that correct?

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

We need to look at maybe really adding some more

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

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

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

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

COMMISSIONER GOLLOTT: November, yes, sir.

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

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

to work. That's ridiculous.

COMMISSIONER BOSARGE: Well, I think we can look at that, at the next meeting, and have a better understanding of what is out there.

COMMISSIONER GOLLOTT: Yes, and that's my point. Let's wait until the next meeting, but let's open it on October the 3rd and let's see how these fishermen are doing. You will know every day exactly what these fishermen are doing.

COMMISSIONER HAVARD: If we are going to open it, are we going to open it with that quota in mind of thirty percent?

COMMISSIONER GOLLOTT: I'm against thirty percent period, and I'll be against it next month. I want these fishermen to be able to make a living, and leaving sixty thousand sacks of oysters out there and not harvesting them -- they are marketable oysters. If something is ripe and ready to harvest, let them make a living. They have families to feed.

COMMISSIONER HAVARD: I understand.

COMMISSIONER GOLLOTT: That's my motion.

Can I get 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.

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

COMMISSIONER GOLLOTT: Opposed?

(Mr. Bosarge, Mr. Havard opposed.)

COMMISSIONER GOLLOTT: Two opposed. Two for. Where do we stand, Sandy?

SANDY CHESTNUT: It fails.

COMMISSIONER BOSARGE: I wouldn't have a problem with it, if we attach the thirty percent just as a safeguard.

COMMISSIONER HARMON: I'm going to have to go with Chairman Gollott. Thirty percent is just not acceptable.

COMMISSIONER GOLLOTT: What about fifty percent?

COMMISSIONER HARMON: I'm good with fifty percent.

COMMISSIONER GOLLOTT: I am, too, until the next meeting.

What did you harvest in October last year, Scott, in thirty days?

COMMISSIONER BOSARGE: That's my point. If they catch fifty percent of the oysters in seventeen days, it's not a discussion here any longer.

Do you see my point?

Anyhow, I feel like just as a safeguard, I don't think we should open it up without any kind of consensus on where we may stop it. If they catch fifty percent in October, there is probably not a chance that they are going to get a Thanksgiving.

COMMISSIONER GOLLOTT: That's right.

COMMISSIONER BOSARGE: I just think we need to put some quota on it somewhere.

COMMISSIONER GOLLOTT: Okay. Let's go thirty-five percent.

The motion is modified to thirty-five percent, Scott.

Is that all right with you?

COMMISSIONER HAVARD: Yes, sir.

SCOTT GORDON: At thirty-five percent, we would be looking at thirty thousand sacks total. That would be twenty-seven thousand nine forty-four thereabouts for the western reefs, and, again, we would be looking at a little over fifteen days.

COMMISSIONER HAVARD: I'm okay with that, as long as when we reach that thirty-five percent, if we have to hold a special session to up it, that's fine.

COMMISSIONER GOLLOTT: We have a motion and a second, and this will be revisited at the next meeting. We will have it on the agenda.

SANDY CHESTNUT: I have a question, before you vote.

COMMISSIONER GOLLOTT: Go ahead, Sandy.

SANDY CHESTNUT: Is there a daily sack limit with that?

COMMISSIONER GOLLOTT: The same as last year.

SANDY CHESTNUT: Okay.

COMMISSIONER GOLLOTT: What was that, Scott, fifteen and twenty-five?

SCOTT GORDON: Yes, that's what we ended up with last year at the end of the season.

COMMISSIONER GOLLOTT: Can I ask the fishermen do they have any input on the sack limit?

Is that okay with y'all?

SCOTT GORDON: I had the questionnaire up there. The dredgers preferred thirty. The tongers preferred between ten and fifteen.

COMMISSIONER GOLLOTT: I think I would feel better with just the same thing we had, fifteen and twenty-five, last year.

That's the motion.

COMMISSIONER HAVARD: Second.

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.
Scott, thank you.
SCOTT GORDON: Thank you.
COMMISSIONER GOLLOTT: One more thing on this issue while we're here. I would like to make a motion to put a moratorium on tonging and dredging licenses. If you didn't have a license for last year, you can't buy one for this season, and, if you sell your boat, or if your boat sinks, or you build a new boat, and you bought a license last year, you can transfer it to the new boat.
Do I have a second on a moratorium?
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.
Okay, Mr. Joe.
JOE JEWELL: Thank you, Commissioners.

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

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

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

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

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

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

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

Answer: This rule was not deleted. It was

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

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

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

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

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

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

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

analyzed under existing criteria.

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

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

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

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

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

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

Question: In Chapter 9, Section 106, the term

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

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

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

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

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

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

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

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

Habitats of special significance, DMR Coastal Management.

Seagrass beds, DMR Coastal Management.

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

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

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

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

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

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

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

Question: 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 determent, does not really ensure compliance. Expressed concerns about the twenty-four hour notice. Should be immediate notice so that the gear does not become a navigational hazard, or harm people's property.

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

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

Question: 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 a continual prolonged period of time and harvest, due to frequent closures as a result of rainfall and deterioration of the water quality. These same factors ad issues will prevent and/or impair the culture and regular harvest of oysters from the proposed aquaculture projects/sites, just as they do with the public oyster reef areas.

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

Question: 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?

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

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

Question: Concerned about lack of adequate public notice regarding public meeting held on August 10, 2016. 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 a public meeting and/or sending electronic notifications with only one day notice is greatly insufficient.

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

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

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

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

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

Notice of the rules was posted on the MDMR

website on August 3, 2016.

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

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

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

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; oyster aquaculture's history, purpose, goals, objectives, methods, proposed sites, through environmental analysis, potential tradeoffs and financial investment costs through economic analysis, required training and Q and A session.

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

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

Encourage Mississippi Department of Marine

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

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

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

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

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

How do your rules and regs address this?

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

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

meeting?

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

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

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

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

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

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

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

Question: What about proposed lease areas for oyster farms?

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

Answer: While this is not part of the

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

Question: Who gets to bid on leases, and how will this be advertised?

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

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

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

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

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

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

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

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

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

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

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

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

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

operations will still be subject to other permitting processes.

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

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

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

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

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

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

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

something.

JOE JEWELL: Absolutely.

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

State your name for the record, please.

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

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

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

Is that correct, or am I wrong?

COMMISSIONER GOLLOTT: Joe, did you hear the question?

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

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

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

as proposed.

TERESE COLLINS: The distance between, I guess, sites, is it fifty feet, half a mile, five hundred feet?

Has that been determined by this regulation, or not?

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

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

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

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

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

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

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

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

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

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

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

I heard no one say make the boundaries smaller

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

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

TERESE COLLINS: Thank you.

Then, why?

What is the reason to have it right up against each other?

COMMISSIONER GOLLOTT: Why not?

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

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

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

If you lease a piece of property in Biloxi, you don't have to have five hundred feet between your leases.

What is the purpose of five hundred feet?

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

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

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

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

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

breaking even, for what the state is putting into the effort.

Maybe it's more productive to have public reefs on the bottom. I don't know. I don't know that anyone has really answered this.

I have real concerns that we are taking the references to the Mississippi Coastal Program out of this regulation because they are not always looked at.

The people I have talked to with the oyster program don't seem to understand the value of Deer Island being a Coastal Preserve and the fact that no commercial activities can occur in this Coastal Preserve.

Are you going to put oyster farms in this area and what is the conflict?

What about the Hancock County preserve?

Do they plan to put oyster farms in, or near, there, and what are the boundaries going to be?

In Biloxi Bay?

I'm not opposed to oyster farming. I've seen oyster farms all over the world, and there are all kinds of oyster farms from tractors to just guys walking in the water and taking care of their baskets. I'm not opposed to this at all in Mississippi. I just want something to be done right in Mississippi, and I would like it to be done right the first time.

Alabama has their way. Mississippi and Louisiana have their way. Texas has their way. Baltimore has their way.

I have looked at a lot of them, and I think that Mississippi can do a better job, and I think these regulations still need work.

I think you have made your decisions. I think I'm just kind of blowing wind here, but thank you for the opportunity.

I will be glad to discuss this more with you in more detail, and I offered that at the last public hearing, but Joe and the Fisheries people can only take up fisheries, this guy can only take up this.

How do we get you-all in one room to talk about this and the cumulative comprehensive program that could actually succeed, if we did it right?

Right now, it looks like a disaster for enforcement and for regulating and for even implementation.

If you are already changing it, you are sitting here approving something that you are going to change in the next five minutes, and that is only one part that is not ready yet.

Anyway, thanks for the opportunity to address you and good luck.

COMMISSIONER GOLLOTT: Thank you, ma'am.

At this time, we need a motion for final adoption.

Does anyone want to make that motion?

(No response.)

COMMISSIONER GOLLOTT: I don't see a problem with this, so I'll make the motion that we move to final adoption on regulation changes to Title 22 Part 13.

Do we have a second?

COMMISSIONER HAVARD: Commissioner, I'll second that.

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, Joe.

JOE JEWELL: Thank you, Commissioners.

Next up for the consideration of the Commissioners, like I stated, is a Notice of Intent for Title 22 Part 13. This Notice of Intent will affect two processes on the just adopted Title 22 Part 13. It incorporates two regulatory changes to the just adopted

Title 22 Part 13.

There are two proposed regulatory changes both in Chapter 9. The first one will occur in Section 100.03.01.

The changes occur in the Administrative Procedures Act in two ways. Underlined information will be added, and struck through information will be deleted.

The new Section 100.03.01 will read as follows:

"The proposed lease area must be configured as a square, or rectangle, with the lease area boundaries meeting at right angles. However, the lease rent may be adjusted pro rata to conform to non-rectangular shapes within the lease area."

The second change in Chapter 9 will be in Section 100.04:

"No proposed lease areas will be approved that are within fifty feet of an existing lease area that is pending final approval, unless the same person holds both leases."

Required is a motion for Notice of Intent to regulatory changes to Title 22 Part 13.

COMMISSIONER GOLLOTT: I'll make a motion that we adopt these changes.

Is there any discussion on that?

COMMISSIONER BOSARGE: Yes. I have a question.

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

JOE JEWELL: Fifty feet.

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER HAVARD: And I will second that motion.

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

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

JOE JEWELL: Thank you, Commissioners.

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

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

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

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

COMMISSIONER HAVARD: You say nine hundred feet of water?

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

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

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

COMMISSIONER BOSARGE: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion.

How about a second?

COMMISSIONER HARMON: So seconded, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Thank you.

JON BARR: Thank you.

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

Does anybody have a problem with that?

(No response.)

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

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

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

of those.

JENNIFER WILDER: Good morning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any questions?

COMMISSIONER GOLLOTT: Does anybody have a motion on this?

SANDY CHESTNUT: Excuse me.

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

(No response.)

SANDY CHESTNUT: Okay. Continue.

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

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

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

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

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

COMMISSIONER BOSARGE: Who was the contractor?

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

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

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

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

COMMISSIONER HARMON: I'll second it.

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.

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

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

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

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

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

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

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

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

No vegetated Coastal wetlands will be impacted.

The project should not have any additional adverse impacts.

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

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

The mooring of vessels does require a waterfront location.

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

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

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

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

DEQ said no additional comments.

Archives and History said no additional comments.

Secretary of State's office has no objections.

Wildlife, Fisheries and Parks had no comments.

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

Any questions?

COMMISSIONER BOSARGE: Looks like a no-brainer.

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

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

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.

JENNIFER WILDER: Thank you.

COMMISSIONER GOLLOTT: Kacey Williams is up next.

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

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

We had a State revenue of six point five million and a total Agency revenue of nine point one million.

Our State net income is five point four million and our total Agency net income is five point seven million.

After two months of this fiscal year, we still have about ninety percent of both funds remaining, with Operating funds at eighty-nine point nine and Tidelands at ninety point two.

Thank you.

COMMISSIONER GOLLOTT: Thank you, Kacey.

Melissa.

MELISSA SCALLAN: Good afternoon.

The Mississippi Department of Marine Resources was mentioned forty times in local, state and national media, since the last Commission meeting.

The DMR, I don't know if it was the first time, but it was mentioned in the New York Times in a story that they did about the Delta Supper Club which held a recent event in Cleveland, Mississippi.

There is also an article about oyster reefs in the September-October issue of Mississippi magazine.

This photo here, I don't normally have. I don't have a presentation today, but this picture is of Chief Davis presenting this young man with a lifetime fishing license. This is Chase Thompson. He is a young man who suffers from a genetic disorder. The doctor said he would die by the age of eight and he is, now, eighteen. His parents bought him a boat, and they presented him with a certificate showing that he was an honorary Marine Patrol Officer, as well as a lifetime fishing license. He was very excited, and he had several Marine Patrol Officers there with him. That was a good thing.

Marine Patrol held two boat-and-water safety classes in August, and twenty-three students were certified. So far, in fiscal year 17, Marine Patrol has taught seven classes and certified fifty-six students.

COMMISSIONER GOLLOTT: Thank you, Melissa.

MELISSA SCALLAN: Thank you.

COMMISSIONER GOLLOTT: If we have no other business --

JAMIE MILLER: Excuse me, Chairman. We had originally scheduled, in my executive report, to allow Dr. Gray to present a performance review that the National Estuarine Research Reserve, or our Grand Bay NERR, had just completed, but there was some confusion about the timing of that.

Dr. Gray is here, and I would like to give her just a few moments to share some positive news and some of the positive things that the NERR is involved in.

COMMISSIONER GOLLOTT: Sure.

AYESHA GRAY: Thanks for asking me to be here today, Director Miller, Commissioners, Ms. Chestnut.

Y'all are all familiar with the Coastal Zone Management Act. The NERRs were created as a part of that Act under Section 315 which establishes a series of marine sanctuaries for long-term research to increase public awareness and understanding of estuaries and provide opportunities for education and interpretation.

There are twenty-eight of these reserves all over the country; about to be thirty, with new reserves about to be designated in Connecticut and Hawaii.

As part of this Coastal Zone Management Act Section 312 it requires a review of performance. We just recently completed our review of performance at Grand Bay. This included an information submittal to NOAA who is our

Federal partner in this project and, also, a site visit where they came to visit.

As you know, the reserve is located in Jackson County and it is collocated with the Fish and Wildlife Services National Wildlife Refuge.

We really pointed out what we are working on here which is to develop the understanding and stewardship of wetland habitats, to really work in an integrated way. These are research preserves and all are about doing research, and, then, immediately disseminating that information through stewardship land management, education programs and training programs.

The idea of the project is that we provide scientific expertise to the community of coastal managers and to the DMR about the NERR, and that helps with coastal management.

We have a variety of partnerships that we highlighted, including Fish and Wildlife Service, projects that we are doing with EPA, universities and our community.

We pointed out the success of our systemwide monitoring program. It's a program looking at water quality and vegetation and sediment dynamics. We also pointed out our land management, actions that we do in partnership with Fish and Wildlife Service.

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

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

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

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

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

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

our community partners.

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

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

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

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

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

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

Thank you.

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

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

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

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

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

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

AYESHA GRAY: Thank you.

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

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

GILBERT RAMSEY: Good afternoon.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you for your time and cooperation.

COMMISSIONER GOLLOTT: Thank you, sir.

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

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

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

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

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

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

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

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

PowerPoint presentation.

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

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

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

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

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

One of the topics was on restoration, for

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

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

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

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

of those reefs.

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

Thank you for your time.

COMMISSIONER GOLLOTT: Thank you.

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

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

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER BOSARGE: So seconded.

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Motion carries.

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

CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the September 20, 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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