

# Commission on Marine Resources

3

## COMMISSION ON MARINE RESOURCES

### COMMISSION MEETING

Tuesday, October 18, 2016  
10:00 a.m.  
Hancock County Board of Supervisors Board Room  
854 Highway 90, Suite A  
Bay St. Louis, Mississippi 39520

#### Commission Members:

Richard Gollott, Chairman  
Shelby Drummond, Vice Chairman  
Steve Bosarge  
Mark Havard  
Ron Harmon  
Jolynne Trapani

#### Also Present:

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

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

2

COMMISSIONER GOLLOTT: Good morning everyone. I would like to welcome everybody to our October meeting, our regular meeting.

The first thing we're going to do is have the Pledge of Allegiance, and we will ask Jamie Miller to lead us in the pledge.

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER GOLLOTT: Next we will do the oath of office for our new Commissioner, Jolynne Trapani.

(Whereupon, oath of office was administered.)

COMMISSIONER GOLLOTT: Now we will have the approval of the minutes for September the 20<sup>th</sup>, or any modifications.

COMMISSIONER BOSARGE: I make a motion to approve the minutes of the September 20<sup>th</sup> meeting.

COMMISSIONER HAVARD: Mr. Chairman, 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.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

Now we need approval of the minutes for September the 30<sup>th</sup>.

Any modifications, or a motion?

COMMISSIONER BOSARGE: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

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

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Next we have approval of the agenda, or any modifications thereof.

Do we have a motion, or a modification?

COMMISSIONER BOSARGE: I move we approve the agenda as is.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER HAVARD: I'll second that.

COMMISSIONER GOLLOTT: We have a motion and a second.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

4

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Next we have the Executive Director's report.

JAMIE MILLER: Thank you, Chairman.

I do not have a report, but we had received several requests for public comment. I would like to recognize two of those who have requested to comment during my Executive Director's report.

First will be Steve Shepard.

COMMISSIONER GOLLOTT: Mr. Shepard, please state your name, and I will just remind everyone they have three minutes.

STEVE SHEPARD: I think I can be brief. Thank you for giving me this opportunity. My name is Steve Shepard, Gulf Coast Group Chair of the Sierra Club.

I would like to welcome Ms. Trapani as our nonprofit environmental group representative and I hope, sometime in the near future, we will be able to talk, but I do want to speak briefly about the process.

I think, in the beginning, I was raising questions because I was so caught by surprise by this nomination.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

October 18, 2016

I know there is a newspaper article that just came out where it suggested that I was against her. I never was against her, but I was questioning her, and I apologize for that mistake on my part. I'm not saying the article wasn't accurate, but it did look bad, and I'm sorry because I didn't mean that.

I do very much dislike the process. I very much dislike that Ms. Trapani is supposed to represent environmental groups and we never heard a word about her. The senators all know her, now. The governor, of course, knew her. Jamie Miller knew her. The DMR got to meet her, and no one said, hey, maybe we'll give a ring to a couple of the environmental groups like that Sierra Club that has two thousand members in this state, or maybe Gulf Restoration Network, and we will let them know what is going on.

It's not like we are going to change the decision. It's clear that the decision is made. So it wasn't like, tell them and somehow they will stop it. We weren't going to stop it.

Well, we sure feel left out. We were the last people to find out, and I would love it if, in the future, that didn't happen.

I have had a long history with people chosen for this Commission and, to my recollection, I always heard in

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

advance of when it actually happened, regardless of the member. We always said, well, they are going between these two, and they have picked that one.

I just am shocked at how secretive this was. I really hope in the future -- perhaps it is ultimately with the governor, but I was thinking that maybe once all of you were informed, that you might make the phone call and say, all right, we're looking at such and such, just to let you know because you're not really going to have a say in it.

Thank you very much. That's really what I wanted to say.

COMMISSIONER GOLLOTT: Mr. Shepard, let me say it ultimately does rest with the governor's office. I didn't know until two days ago myself, and I don't think any of the rest of the Commission did. It is strictly the governor's call.

STEVE SHEPARD: I kind of wish some of those senators might have given me a ring. I think one of them represents me. They heard earlier.

Do you suppose he went to the senators and said, now, keep this completely quiet?

COMMISSIONER GOLLOTT: I don't think so.

STEVE SHEPARD: Anyway, thank you.

COMMISSIONER GOLLOTT: Thank you.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

JAMIE MILLER: Thank you, Mr. Shepard.

Sharon Hayes.

SHARON HAYES: Good morning. I'm Sharon Hayes, Director of the group Restore Mississippi Sound. I'm also retired from the U.S. Environmental Protection Agency in Washington, D.C., a water expert, and I teach Economics at USM on the Gulf Coast.

My group is dedicated to improving water quality in the Sound using the BP settlement money, and I'm hoping that people can understand the importance of improving water quality, not only to us who love the water and want to be in it, but to our healthy aquatic life, the jobs that depend on them, and the revenues that come from here in Coastal Mississippi.

I have no quarrel at all with Ms. Trapani. She is obviously a very successful business woman and will be a valuable addition to the Commission and any other position, but her lack of science, or policy, background on water issues make me wonder if she can represent the interests of me and my group.

The ties to business, local business, also make me wonder if an issue should come up, an environmental improvement issue, that is somewhat unfavorable to business how she might vote.

The bigger issue, as with Steve, is the process

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

and the lack of public transparency in that process, and these are only words, if they are not practiced.

As he said, we just learned of her appointment, and the fact that I, or any of my colleagues in the environmental community, had heard about her before Saturday, along with the speed with which she is sworn in, without having been approved by the senate which I understand is actually the way it goes maybe, but it makes me wonder why the hurry.

I am a person that believes in noble intentions on the part of people, until I am proved wrong, and I want to congratulate Ms. Trapani on her appointment and look forward to working with you and helping in any way I can. Thank you.

COMMISSIONER GOLLOTT: Thank you, ma'am.

COMMISSIONER TRAPANI: Thank you.

COMMISSIONER GOLLOTT: I don't think there is anyone else.

Next on the agenda is Keith Davis. I guess we'll let Rusty Pittman take his place.

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

Marine Patrol would like to welcome Commissioner Trapani aboard. We look forward to working with you in the future.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



# Commission on Marine Resources

9

COMMISSIONER TRAPANI: Thank you.

RUSTY PITTMAN: You have the report in front of you. On page two, there were a few violations for recreational fish being kept on a shrimp boat, again.

I know Commissioner Bosarge asked about that last time. Of course, no recreational license and no commercial license. The same thing.

According to the report, we had one Spotted Seatrout undersized citation. We actually had four, if I'm not mistaken. Three more didn't make it on here. That brings our total this year, from July the 1<sup>st</sup> through the end of September, to twenty-five. Last year, we had a total of fifty for the whole year. We have had an increase in undersized Spotted Seatrout citations.

On page four, we had one boating accident with injuries. It happened at night where a boat hit the Bay St. Louis bridge and two people onboard received minor injuries. We also had one boating accident without injuries.

If y'all have any questions, I will be glad to try to answer them.

COMMISSIONER GOLLOTT: It looks like it's pretty light on these oyster violations. I was just noticing that.

RUSTY PITTMAN: Yes, sir.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

10

COMMISSIONER GOLLOTT: Are the people doing a lot better this year?

RUSTY PITTMAN: They are. They really are. The size, the culling and no problem with it. We've had a couple with the failure to check out, coming in late, but, otherwise than that, dredge size and cull size has been okay.

COMMISSIONER GOLLOTT: Thank you, Rusty.

RUSTY PITTMAN: Thank you.

COMMISSIONER GOLLOTT: Next up is Mr. Joe Jewell.

JOE JEWELL: Good morning Commissioners. I would like to acknowledge the Commission on Marine Resources, our Chairman and counselor Morrison.

I would like to acknowledge Ms. Trapani as our newest Commissioner, as she takes office. On our long distinguished Commission on Marine Resources, Ms. Trapani is our first female Commissioner and I would like to acknowledge that and acknowledge her tenure here on the Commission. Welcome aboard.

COMMISSIONER TRAPANI: Thank you.

JOE JEWELL: We have four items for consideration before the Commission this morning. First up is an update on the Red Snapper season. Ms. Carly Somerset of the Marine Fisheries staff will be giving that

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

11

presentation.

CARLY SOMERSET: Good morning Commissioners, Director Miller, Mr. Morrison.

I will give you a brief update on our Recreational Red Snapper Season this year and a little update on our Tails n' Scales program as well.

The Federal Season this year ran from June 1<sup>st</sup> to June 11<sup>th</sup> for all private recreational anglers, and our Federal For-Hire fleet fished from June 1<sup>st</sup> to July 16<sup>th</sup>, and our State Season ran from May 27<sup>th</sup> to September 5<sup>th</sup>.

Briefly, the purpose of our Tails n' Scales electronic reporting program actually began as a voluntary program in 2014, and, in 2015, Mississippi Regulations mandated that Red Snapper harvest must be reported by all recreational anglers. We accomplished this task by creating the Tails n' Scales electronic reporting program.

Anglers targeting Red Snapper have to acquire a trip authorization number, prior to fishing for them, as well as report trip information after the trip has been completed.

The reporting program was implemented in 2015, and we make sure that every angler can acquire a trip number twenty-four hours a day seven days a week through several different methods.

This is just a flow chart showing the process.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

12

Anglers can report using our free app which is available on iPhone and Android, and we also have a web portal, tailsnscales.org, and, then, we have a one eight four four number that is available twenty-four seven throughout the season.

Then, from there, the data is available to anglers so that they can see their own personal catch history, and DMR staff has unrestricted access to the entire data base and Marine Patrol, for enforcement purposes, is able to see daily trips and registration numbers.

Then, the reported data goes through a very thorough validation process. A portion of the anglers are intercepted dockside by DMR staff. This is similar to the MRIP surveys, and we gather biological data, as well as validate angler harvest and report information, and, then, staff also calls a portion of the anglers to verify trip information, as well as close out any remaining expired trips.

Then, reported results are adjusted and standard error is calculated to account for any reporting bias that may come up so that we can have a good conservative estimate at the end of the season.

For the 2016 season, we followed the same protocols as we did for our 2015 season, but we did have

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

October 18, 2016

1 some updates to the system.

2 We added an email verification for all users in  
3 the Tails n' Scales system. We also archived all the 2015  
4 data so that was available to anglers to look up their own  
5 catch history, any trips they made, and, then, we also  
6 added a discard. This year, all anglers, at the end of  
7 their trip, have to report the number of Red Snapper they  
8 released.

9 Some examples of our validation process. As I  
10 mentioned earlier, similar to MRIP's design, we have  
11 dockside interviews, and we did this specifically for  
12 Tails n' Scales, in addition to the MRIP surveys that  
13 captured Red Snapper anglers.

14 We did at-sea observations by boat and airplane,  
15 enforcement reports by our Marine Patrol, we had trailer  
16 counts at selected docks, email messaging, and, then, the  
17 phone interviews to close out any expired trips that  
18 weren't completed by the anglers. At the end of the  
19 season, all reported trips are accounted for.

20 This graph shows the comparison of the 2016 MRIP  
21 landings versus the Tails n' Scales landings. This is for  
22 the Federal season. Both of these estimates are  
23 preliminary, so I could only compare the private landings  
24 during the Federal Season because MRIP currently only has  
25 preliminary estimates through the May-June wave. That

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 does not include the entire for-hire fishing season.

2 Tails n' Scales does have the ability to track  
3 harvest in a realtime manner so we can estimate the pounds  
4 to the end of the season in a fairly quick turnaround  
5 time.

6 Also, you can see that the MRIP landings are  
7 quite different than our Tails n' Scales estimates. MRIP  
8 estimated about a hundred and sixty thousand pounds. This  
9 is just for the private recreational season. Tails n'  
10 Scales estimated approximately sixty thousand pounds  
11 landed by private anglers and about eight thousand by our  
12 Federal For-Hire Fleet.

13 These are the preliminary results, Federal and  
14 State, from Tails n' Scales for 2016. These are adjusted  
15 values, using our 2015 correction factors. You can see  
16 that the total harvest for 2016 was a little over a  
17 hundred and seven thousand pounds. Number of fish  
18 harvested was over sixteen thousand. The average weight  
19 was a little over six pounds and the average length close  
20 to twenty-two inches. Over three thousand trips were  
21 completed. The effort was three point eight six anglers  
22 per vessel per trip. Our harvest was one point four fish  
23 per angler per trip.

24 The important points I want to make here,  
25 comparing this, you can see our 2015 results on the right.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 Our overall effort, harvest were pretty similar, but we  
2 have seen an increase in the number of Snapper trips taken  
3 this year. Every time I go in the system, I can see that  
4 our angler universe has increased from last year quite a  
5 bit.

6 From 2015 to 2016, the average weight and length  
7 also increased. In Mississippi, for the last two years, I  
8 think this shows that we have a strong stable recreational  
9 fishery for Snapper.

10 We have been really excited about our Tails n'  
11 Scales program. I think it has progressed really well,  
12 and it is a really valuable tool for us. We are able to  
13 look at seasonal trends. Within the database, we can  
14 split by user group, by season, weekday, weekend. It is  
15 also good for effort analyses.

16 Years of data will be useful for stock  
17 assessments, effort, landings, angler universe changes,  
18 biological data.

19 Like I said earlier, it is also great for  
20 realtime management because we can see who is out every  
21 day, and it is useful for safety as well because we know  
22 who has left on certain days and when they plan to return.

23 We are able to monitor our Red Snapper resource,  
24 by providing accurate landings, and it helps us understand  
25 our universe of anglers and user groups better each year.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 In June, we met with representatives from  
2 Alabama, NOAA, and we had three external consultants for  
3 our Tails n' Scales certification process, and we  
4 presented our validations and estimators to the  
5 consultants for their review.

6 The meeting went really well. We received  
7 positive feedback on the methods we used in 2015, and they  
8 suggested changes to update estimators. We look forward  
9 to continuing that process.

10 I will be happy to answer any questions.

11 COMMISSIONER BOSARGE: I have one question.

12 If you could go back a couple of slides where  
13 you actually show the primary Tails n' Scales adjusted  
14 results?

15 When you talk about 2016, a hundred and two  
16 days, is that Federal and State seasons combined?

17 CARLY SOMERSET: Yes, sir, everything.

18 COMMISSIONER BOSARGE: Do you have a breakout of  
19 what was caught during Federal season and what was caught  
20 during State season, just out of curiosity?

21 CARLY SOMERSET: Number of pounds harvested?

22 COMMISSIONER BOSARGE: Correct. Yes.

23 CARLY SOMERSET: I can get that to you. I can  
24 break it up. We are still working on getting our expired  
25 trips closed out because I want everything in the system,

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



1 since the season just closed. As soon as everything is  
2 completed, I can certainly get that for you.

3 COMMISSIONER BOSARGE: It looks like the system  
4 is getting better. As we are getting a larger universe of  
5 anglers, more people are reporting in.

6 CARLY SOMERSET: It is.

7 COMMISSIONER BOSARGE: That's good. Thank you.

8 CARLY SOMERSET: Thank you.

9 JOE JEWELL: Thank you, Carly.

10 I want to make a correction for the record. Ms.  
11 Trapani is our second female Commissioner. I'm showing my  
12 age. Ms. Edna Boone was our first Commissioner. That was  
13 almost twenty years ago. I'm clearly showing my age, at  
14 this point.

15 Next up for the Commission is consideration of  
16 final adoption of Title 22 Part 13, updated regulatory  
17 language for lease shapes and buffers.

18 As the Commission may recall, the Commission  
19 passed a Notice of Intent on September the 22<sup>nd</sup>. The DMR  
20 published the notification on our web page on September  
21 the 23<sup>rd</sup>. We published a legal notice in the Sun Herald on  
22 September the 28<sup>th</sup>.

23 The public comment period was September the 22<sup>nd</sup>  
24 through October the 17<sup>th</sup>. To date, we have received no  
25 public comments.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 I'm going to briefly read into the public record  
2 the proposed changes. Title 22 Part 13 in Chapter 2,  
3 Section 104, Mississippi Code Annotated Section 49-15-27,  
4 as amended, grants the Mississippi Commission on Marine  
5 Resources authority to lease bottoms.

6 Title 22 Part 13, Chapter 9, we have two  
7 sections, Section 100.03.01:

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

13 Section 100.04.01:

14 "No proposed lease areas will be approved that  
15 are within one hundred feet of an existing lease area, or  
16 lease area that is pending final approval, unless the same  
17 person holds both leases."

18 With that being said, what is required is a  
19 motion to proceed with final adoption of Amendment of  
20 Title 22 Part 13, Chapter 9, Sections 100.03.01 and  
21 100.04.

22 COMMISSIONER GOLLOTT: Joe, I would like to make  
23 a motion that we adopt this and proceed.

24 COMMISSIONER BOSARGE: I'll second the motion.

25 COMMISSIONER GOLLOTT: we have a motion and a

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 second.

2 All those in favor say aye.

3 (All in favor.)

4 COMMISSIONER GOLLOTT: Opposed?

5 (None opposed.)

6 COMMISSIONER GOLLOTT: Motion carries.

7 Thank you.

8 JOE JEWELL: Thank you, Commissioners.

9 Next on the agenda for Marine Fisheries is an  
10 Oyster Season update by Mr. Scott Gordon.

11 SCOTT GORDON: Good morning Mr. Chairman,  
12 Commissioners, Director Miller and counselor.

13 New Commissioner Ms. Trapani, I appreciate you  
14 being here and I welcome you to the Commission.

15 COMMISSIONER TRAPANI: Thank you.

16 SCOTT GORDON: The oyster season opened October  
17 3<sup>rd</sup>. As of yesterday, we had been open a total of thirteen  
18 days. We have had no closures due to rainfall, or river  
19 stage. In fact, we are under drought conditions. Did see  
20 a little bit of rain yesterday, I think, from Long Beach  
21 to the east and it was welcome, but it wasn't enough. We  
22 need something to break this drought.

23 We have had apparent continuing oyster  
24 mortalities.

25 After the last presentation I gave to the

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 Commission, I had come up with some mortality estimates.  
2 With the continuing mortalities that we had, I fear that  
3 we had very sorely underestimated the number of  
4 mortalities that we had.

5 I have reports that in adjacent waters in  
6 Louisiana they were seeing mortalities in the neighborhood  
7 of eighty to ninety percent. That is significant, and the  
8 Commission may want to ponder what that would mean to any  
9 quota that you had established.

10 The harvest has been almost entirely from St.  
11 Stanislaus Reef for tongs and St. Joseph Reef for  
12 dredgers.

13 Oysters were in generally poor condition, but  
14 they are improving. We are seeing oysters that are  
15 actively feeding now, and they are getting a little more  
16 substance to them.

17 There were one thousand five hundred and  
18 eighteen sacks harvested by tongs over a hundred and  
19 sixty-one trips. That averages out to nine point four  
20 sacks per trip average.

21 There were seventeen thousand seven hundred and  
22 ninety-eight sacks harvested by dredgers over eight  
23 hundred and ninety-one trips. That is right at twenty  
24 sacks per trip average.

25 These numbers are through yesterday.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 Today we have thirty-nine boats out at the Pass.  
2 I believe about nine, or ten, of those are tongers.

3 There are forty-six boats out at Bayou Caddy on  
4 the St. Joe Reef area, and I believe those are all going  
5 to be dredgers.

6 A total of eighty-five boats are out today.

7 This is showing the oyster harvest by area and  
8 gear type. The red is going to be the dredging, and the  
9 green is going to be the tonging. You can see very  
10 predominantly Area I"B", seventeen thousand one hundred  
11 and forty-seven sack. That's the St. Joe Reef area. That  
12 is where almost entirely all of the oysters have come  
13 from.

14 Area II"B" includes the St. Stanislaus Reef.  
15 That is a toning area. That is where all of the tongers  
16 are going, right now.

17 Area II"E", that is Henderson Point dredging  
18 area. The first two, or three, days of the season we had  
19 some dredgers go there, and we had six hundred and thirty-  
20 nine sacks harvested.

21 Area II"F" is going to be the Pass tonging and  
22 dredging area outside the one mile area. There were a  
23 total of eleven sack harvested there.

24 For 2"G", which is the very last one, those  
25 oysters came from the Pass Marianne Reef. We had a boat

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 that spent a day out there, and, actually, that's not one  
2 entire sack. That was about two dozen oysters.

3 This seventeen thousand one hundred and forty-  
4 seven sacks off of the Area I"B", that comprises about  
5 eighty-four percent of the market oysters that we had  
6 initially estimated.

7 The Commission had adopted the thirty-five  
8 percent quota which I think was a fair quota of what  
9 market oysters we thought we had out there.

10 If I go to this next map, this will show area by  
11 area, and, again, these are numbers through yesterday.  
12 This is Area I"B", and these little green areas are the  
13 actual reef. That's where we are doing our survey. Those  
14 are the concentrated reef areas.

15 There will be some other areas around where you  
16 have small scattered pockets of reef, and that's where a  
17 lot of the boats are going, right now.

18 Just out of this one small area over seventeen  
19 thousand sacks (indicating map).

20 This entire area is Area II"B". Here's the St.  
21 Stanislaus Reef area and that is where the tongers are  
22 going, right now. Fifteen hundred sacks.

23 Area II"D" Between the Bridges, we've had no  
24 catch there.

25 Area II"A" within the mile off of Pass Christian

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 Henderson Point area, no catch there.

2 This is the Henderson Point area outside the  
3 mile and, in Area II"D", we've had six hundred and thirty-  
4 nine sacks, and most of that came predominantly from this  
5 area, the extreme southwestern part of the reef  
6 (indicating map).

7 The Pass Christian Reef area outside the mile,  
8 Area II"F", eleven sacks, and Pass Marianne.

9 If you looked at our estimate from the last  
10 Commission meeting for the Pass Marianne area, that's the  
11 one that is the most disappointing and that we have seen  
12 the most significant mortalities. We estimated, at the  
13 last meeting, that there were over forty-four thousand  
14 sacks of oysters on this reef area.

15 This is Area V and the Biloxi Bay harvest zones.  
16 This is a historic thing. I would like to remind the  
17 Commissioners, in my entire career, this area has not been  
18 open for direct harvest. It's my best estimate that  
19 sometime in the fifties, or early sixties, was the last  
20 time this area had been able to be open for direct harvest  
21 (indicating map).

22 We don't have a considerable amount of resource  
23 in this area, but it is very significant that we are  
24 finally able to get this area open. I'm hoping that we  
25 are going to be able to do some additional work with

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 Cultch plants and maybe moving oysters to this area to get  
2 it built up. This is something that I have wanted to see  
3 for a long time.

4 with the thirty-five percent quota that the  
5 Commission had adopted at the last meeting, that would  
6 mean two thousand one hundred and sixty-two sacks of  
7 oysters, and our estimates were taken off the seventeen  
8 and ninety-one acre sites. There are going to be other  
9 small pockets of oysters here, but this area would be for  
10 tonging only.

11 For tonging, the oysters have to be a thick  
12 enough density to make it worth the tongers' while. These  
13 are the two areas that we are going to be looking at.

14 The recommendations would be to have the usual  
15 oyster season rules and regulations, plus to open the  
16 Biloxi Bay Area V Conditionally Approved waters to  
17 tonging, close areas within five hundred feet of  
18 artificial reef sites for Biloxi Bay for the Conditionally  
19 Approved Area V, and harvesters launching their vessels at  
20 a launch site remote from a designated oyster check  
21 station may, upon returning from harvesting and prior to  
22 unloading any oysters, trailer their vessel on land and  
23 along the most direct route to their designated oyster  
24 check station for check-out. Once the vessel has been  
25 checked out and the sacks of oysters are properly tagged,

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



1 the sacks of oysters may then be unloaded from the vessel.

2 COMMISSIONER BOSARGE: Scott, I had one  
3 question, and I'm trying to pull it out of my memory.

4 If I remember correctly, when we set the quota,  
5 we set the quota for everything in the western Sound. We  
6 didn't do anything for this Biloxi area.

7 Is that correct, or not?

8 SCOTT GORDON: I'm not certain of that.

9 COMMISSIONER BOSARGE: Isn't that what I  
10 remember, Joe?

11 JOE JEWELL: The Commission set a quota of  
12 thirty-five percent for all the reefs that were open, but  
13 they did not take action on Biloxi Bay. You are correct.

14 COMMISSIONER BOSARGE: That's what I thought.

15 JOE JEWELL: If you are going to make a decision  
16 on Biloxi Bay, you would have to establish some sort of  
17 regulation for the opening of Biloxi Bay which would  
18 include either a quota, or a sack limit, and those types  
19 of regulations.

20 COMMISSIONER BOSARGE: All right.

21 COMMISSIONER GOLLOTT: Steve, what I would like  
22 to do, I would like to separate the tongers from the  
23 dredgers in this quota.

24 We are going to open Biloxi Bay, and there are a  
25 lot of areas in the Biloxi Bay area that we don't know

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 there are oysters there, and I'm sure these fishermen are  
2 going to find a lot of this area, especially down around  
3 the mouth of Davis Bayou.

4 I would like to separate it. In other words, if  
5 we fill the quota by November the 1<sup>st</sup> and we open the Bay,  
6 you couldn't open it if they are tied together. I would  
7 like the tonging areas to have their own quota, other than  
8 the dredging areas.

9 SCOTT GORDON: Biloxi Bay is all a tonging  
10 designated area.

11 COMMISSIONER GOLLOTT: I understand that, but  
12 you're not proposing that we just open this ninety-one  
13 acres and the seventeen acres. We are going to open the  
14 whole area.

15 Right?

16 SCOTT GORDON: Just the Biloxi Bay Conditionally  
17 approved waters. That would be inside of Deer Island.

18 COMMISSIONER GOLLOTT: I understand that.

19 The area we are looking at, this green area --  
20 in other words, you've got a circle of ninety-one acres  
21 here, and, then, seventeen acres (indicating map).

22 We are not going to just open those two little  
23 areas. We are going to open that whole green area so the  
24 fishermen can find the oysters.

25 Right?

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 SCOTT GORDON: Yes, sir.

2 COMMISSIONER GOLLOTT: Second of all, I would  
3 like to see us relay oysters out of Pascagoula onto a  
4 designated area here, while these people are harvesting  
5 out of the rest of it, but the department would have to  
6 designate an area for relaying and clear it with the  
7 Federal Government to do that. That way, we can increase  
8 the landings in Biloxi Bay.

9 We really don't know how many oysters these  
10 fishermen could catch out of Biloxi Bay, and that's one of  
11 the reasons I wouldn't want to put a quota on it. Tongers  
12 are not going to hurt an area. They are going to build  
13 the reef. They are not going to tear the reef up. I  
14 don't think not having a big quota on this thing will make  
15 any difference one way, or the other.

16 Do you have any input on this?

17 SCOTT GORDON: Well, I think, if you look at our  
18 opening day this year on October 3<sup>rd</sup>, we exceeded Alabama's  
19 total harvest on that one day.

20 I think areas can be overfished, and that's one  
21 of the things that I would maybe like the Commission to  
22 consider for the St. Joe Reef area with the amount of  
23 harvest that we've had on that, as well.

24 COMMISSIONER GOLLOTT: Begging your pardon, I  
25 would like to stay with this Biloxi Bay, right now. Let's

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 get this out of the way.

2 SCOTT GORDON: Yes, sir.

3 COMMISSIONER GOLLOTT: I would like to make a  
4 motion that we open, on November the 1<sup>st</sup>, the Biloxi Bay  
5 area, letting the staff designate an area, or find an  
6 area, in this area that would be satisfactory to the  
7 Federal Government that we could relay out of Pascagoula,  
8 or Graveline, to increase the harvest for the season.

9 As long as the oysters stay there for two weeks,  
10 after the last oyster goes on there, then, they can be  
11 harvested. They are depurated then.

12 SCOTT GORDON: We would set aside an area  
13 somewhere within here and keep it closed, keep the boats  
14 away from it, while they are being moved, for this  
15 transfer activity.

16 COMMISSIONER GOLLOTT: That's correct.

17 SCOTT GORDON: Yes, sir.

18 COMMISSIONER GOLLOTT: Every month we have a  
19 meeting. We can have a meeting and we can look at what  
20 they are doing and, if we have a problem, we could close  
21 it.

22 Are there any other regulations that we need to  
23 set up in this to do this?

24 I'm making that motion that we open it on  
25 November the 1<sup>st</sup>, the area, and having y'all set aside an

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

area to rebuild another reef.

SCOTT GORDON: Well, we would establishing a check station there, and I did have these other recommendations.

The first one, your usual oyster season rules and regulations that is basically encompassing what we have in the opening order, right now, for the western reef areas.

COMMISSIONER GOLLOTT: Okay.

SCOTT GORDON: It's pretty lengthy, but we would be closed on holidays and things like that.

COMMISSIONER GOLLOTT: This is a big deal. It really is, and I would like to thank you and Jamie Miller, especially Jamie for setting up the meeting with the Federal people to get this thing opened and putting forth the effort to get it open. This is huge.

JOE JEWELL: Commissioner Gollott, if there is no quota, are you going to establish a sack limit for Biloxi Bay?

Like Commissioner Bosarge pointed out, that does not carry over for this motion.

COMMISSIONER GOLLOTT: One of the things I'm looking at is the amount of sacks that are being landed at Pass Christian. You have got to have enough sacks coming in to pay somebody to go there and unload them and bring

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

trucks in and such as that.

I would like to see it stay the same as fifteen sacks per tonger, and that's the kinds of things I'm asking you for some input so we get it all right.

JOE JEWELL: It will have to be part of your motion.

COMMISSIONER GOLLOTT: Yes.

COMMISSIONER BOSARGE: I guess, listening to all of it, it all so far sounds good. It is going to be interesting to see what actually transpires, once we open it. I like the idea of moving some oysters in there, but I don't know. It might be kind of a lot going on in a small area all at once.

COMMISSIONER GOLLOTT: That's a big area, Commissioner.

COMMISSIONER BOSARGE: How are you proposing to move the oysters?

COMMISSIONER GOLLOTT: With the Conservationist.

COMMISSIONER BOSARGE: Use the Conservationist?

SCOTT GORDON: Yes, sir.

Right here, the second line, this is the same chart that I showed the Commission at the last meeting. We had our mortality estimates (indicating slide).

This Biloxi Bay area, the second line, that was done after we figured the mortality event had occurred.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

We estimated, for those two sites that were on the map, six thousand one hundred and seventy-seven sacks of market-size oysters, and, then, these are the percentages that we were looking at, and, again, that is just for those two sites.

COMMISSIONER GOLLOTT: Yes, but you relayed fifteen thousand sacks into there.

DONNA GREEN: Yes, sir.

COMMISSIONER GOLLOTT: That is still over ten thousand and you're not touching anything else.

How many sacks are they harvesting, right now, your tongsers?

It's a little bit better than a hundred sacks a day, isn't it?

SCOTT GORDON: Well, I don't know. We're looking at the tongsers, nine point four sacks per trip. If there were ten boats out today -- I think there are nine, or ten -- that's less than a hundred sacks per day.

COMMISSIONER GOLLOTT: You are not going to get all the tongsers, I don't think, to go down there. We are looking at another thirty days before we have another Commission meeting, and you can bring us a report on it.

SCOTT GORDON: Yes, sir.

COMMISSIONER GOLLOTT: If we need to make any modifications, we could do it, then.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

COMMISSIONER BOSARGE: What day is our meeting in November?

SCOTT GORDON: Well, we've got Thanksgiving thrown in there. I'm not sure.

JOE JEWELL: November the 15<sup>th</sup>.

COMMISSIONER GOLLOTT: That's going to be early.

COMMISSIONER BOSARGE: Yes. I don't have a problem looking at it fifteen days into the season.

Are you okay with that, Scott?

SCOTT GORDON: Yes, sir.

COMMISSIONER BOSARGE: I agree with Commissioner Gollott. It is going to be interesting to see what the fishermen find. I think that we are going to have more fishermen than maybe what we have, right now, because I have talked to some of them that are excited to see it open, and they are gearing up getting ready.

SCOTT GORDON: It's a head start for them.

COMMISSIONER BOSARGE: Yes, and it is going to be interesting to see what they do find.

JOE JEWELL: Commissioner Gollott, if y'all are ready to make a motion, I want to read it so I'm clear and the staff is clear on what the motion is.

COMMISSIONER GOLLOTT: We've got a motion. Go ahead.

JOE JEWELL: The motion, as I understand it, is

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



1 to open Biloxi Bay Area V on November the 1<sup>st</sup>, and, second,  
2 to let the staff find areas to relay from either  
3 Graveline, or Pascagoula, and, then, third, set the sack  
4 limit at fifteen for the tongs.

5 Is that correct?

6 COMMISSIONER GOLLOTT: Yes, sir, and any other  
7 regulations that we have in the west that are pertinent.

8 JOE JEWELL: The regular regulations apply.

9 COMMISSIONER GOLLOTT: Yes, sir.

10 We have a motion.

11 Do we have a second?

12 COMMISSIONER BOSARGE: So seconded.

13 COMMISSIONER GOLLOTT: We have a motion and a  
14 second.

15 All those in favor say aye.

16 (All in favor.)

17 COMMISSIONER GOLLOTT: Opposed?

18 (None opposed.)

19 COMMISSIONER GOLLOTT: Motion carries.

20 SCOTT GORDON: That was very historic. If I  
21 haven't reminded you already, that's a big deal.

22 COMMISSIONER GOLLOTT: We've got one more thing  
23 I would like to get, before we get down to the real fight.

24 SCOTT GORDON: I don't care to fight.

25 COMMISSIONER GOLLOTT: I've had several

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 fishermen come to me and ask me to lower the sack limit to  
2 twenty sacks for dredging to stretch this thing out a  
3 little bit.

4 I would like to make a motion that we drop the  
5 dredging sack limit per day to twenty sacks per day,  
6 starting Wednesday, or Thursday.

7 SCOTT GORDON: If you would like my  
8 recommendation, I can give it to you.

9 COMMISSIONER GOLLOTT: No, I don't.

10 Can I get a second on that?

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

13 COMMISSIONER GOLLOTT: We have a motion and a  
14 second.

15 All those in favor say aye.

16 (All in favor.)

17 COMMISSIONER GOLLOTT: Opposed?

18 (None opposed.)

19 COMMISSIONER GOLLOTT: Motion carries.

20 COMMISSIONER BOSARGE: I still want to hear your  
21 recommendation.

22 SCOTT GORDON: My recommendation would be that  
23 we shut down Area I"B". We have harvested eighty-four  
24 percent of the market oysters that we had estimated to be  
25 there.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 Again, that was on those hard reef areas.

2 That's not on the entire thing. It's my understanding  
3 that most of the boats have, now, moved away from that  
4 area, and most of the boats are not getting their limit  
5 every day.

6 COMMISSIONER GOLLOTT: Scott, would you bring  
7 that map back up and let's see exactly what you are  
8 talking about?

9 SCOTT GORDON: If you look at all these areas,  
10 we've got St. Joe Reef which is a relatively small area  
11 and we're having somewhere around seventy-five boats every  
12 day and, again, my concern would be this is where we are  
13 going to have next year's oysters coming from because,  
14 from the mortality event, we had virtually a hundred  
15 percent mortality of all sizes.

16 COMMISSIONER GOLLOTT: I have talked to some  
17 fishermen, and I think we have some fishermen here that  
18 might like to speak to this, and they say they are getting  
19 their sack limit by 11:00 o'clock, or 11:30, every day.  
20 The weather has been bad for the last few days, so they  
21 haven't been able to do as well, but they have been doing  
22 very well.

23 Do we have some fishermen here that would like  
24 to say something on this subject?

25 THAO VU: (Indicating.)

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

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

3 THAO VU: Good morning Director Miller and  
4 Commissioners.

5 I'm Thao Vu, Mississippi Coalition for  
6 Vietnamese American Fisher Folks and Families.

7 Most of the fishermen aren't here today. I  
8 think there are some here representing the CCA, but, in  
9 terms of the oystermen, most of them were unable to attend  
10 this meeting since they trying -- right now, they are  
11 harvesting.

12 The past week, I've been going down to the docks  
13 and trying to get some information and observations from  
14 the fishermen, and I will break into two groups.

15 The fishermen who normally leave out of the Pass  
16 Christian Harbor, they are very, very worried about their  
17 livelihood because the first several days when the season  
18 opened about two weeks ago, they went to Henderson Point  
19 and those reefs in the western Sound, and there was high  
20 mortality. They weren't able to harvest a lot. In fact,  
21 many of them were only able to harvest less than ten sacks  
22 those first three days.

23 A significant number gave up. They gave up,  
24 after three days of not harvesting enough, and they went  
25 to try to go shrimping.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 Then, the same group, after several days of not  
2 harvesting enough in Henderson Point, or Pass Marianne,  
3 they went to the St. Joe Reef.

4 However, this agency has reduced the number of  
5 hours. They have to check in by 2:00 o'clock. That is  
6 becoming a major problem for the Pass Christian fishermen  
7 because it takes almost two hours to get there and another  
8 almost two hours to come back. There are only seven  
9 hours, from seven to two, but, yet, they have to spend  
10 almost four hours to get there and back, and that leaves  
11 them three-and-a-half hours to harvest, or try to get  
12 their sack limit.

13 There were several who were penalized and their  
14 sacks of oysters were dumped overboard because they were a  
15 little late.

16 You have to factor in that they are taking  
17 longer to get to this reef -- that is the only reef that  
18 may have some oysters -- and not force them to throw  
19 overboard their oysters and be fined and have to go to  
20 court.

21 Their livelihoods have been threatened, since  
22 this BP disaster.

23 Then, the other group I'm going to talk about  
24 are the ones that are docked in Bayou Caddy. For them to  
25 get to the St. Joe Reef, it's close and, for the most

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 part, they are getting their sack limit, or close to the  
2 sack limit, but, when you combine it with the fishermen  
3 docked at the Pass Christian Harbor, you are getting this  
4 average of about twenty which is what Mr. Gordon just  
5 stated.

6 They can't continue this path of working very,  
7 very few days a year, or season, when they are used to  
8 working lots. They can't. There won't be much of a  
9 livelihood left for these fishermen.

10 The governor has this grand plan to increase  
11 oyster production. It's nowhere where it's heading.

12 Earlier there was a recommendation for relay, by  
13 Commissioner Gollott. There should be some significant  
14 bagless dredging on these reefs in Pass Christian,  
15 including Henderson Point and Pass Marianne, followed by a  
16 relay program, to help those oysters for increased future  
17 production, and not a relay from Pascagoula to Biloxi Bay  
18 because Biloxi Bay doesn't have significant mortality and  
19 doesn't need as much restoration as these reefs in the  
20 western Sound, Pass Christian area.

21 We need to think about the future, what happens  
22 in the next several years.

23 Will there be any more oysters in the next  
24 several years?

25 It seriously looks like that is grave, right

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 now.

2 My final point is to open the Biloxi Bay reefs  
3 only to tonging, we think that is not fair. Open it to  
4 everyone, reduce the sack limit, and, if it's too shallow,  
5 the dredgers will have to understand.

6 That's what they are conveying to me to express  
7 to you, Director Miller and Commissioners. Thank you.

8 COMMISSIONER GOLLOTT: I think Joe Jewell can  
9 address the time, as far as the 2:30. I don't think we  
10 have any choice. I think it's a Federal regulation.

11 JOE JEWELL: Commissioners, even Ms. Vu, we are  
12 all concerned with public safety and public health, and we  
13 have to comply with all the rules and regulations that are  
14 in place, including State and Federal rules and  
15 regulations, and the time-temperature matrix applies to  
16 all states that manage their shellfish programs.

17 The State of Mississippi, as all Gulf states,  
18 when we opened in October, we mentioned to the Commission  
19 -- I think it was in August that I mentioned to the  
20 Commission, if we chose to open in October, it restricted  
21 the amount of time that we had from harvest to landing and  
22 the amount of time that the fishermen had to bring the  
23 oysters under refrigeration.

24 That amount of time that is in place is a  
25 Federal regulation that is administered through the ISSC

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 and the NSSP program. That's a program that is in place  
2 that protects the public and protects the harvest of  
3 oysters.

4 Now, once we get into November where the ambient  
5 temperature and the water temperature cools, that time  
6 frame is less restrictive and they have a little bit more  
7 time to harvest and more time to bring the oysters under  
8 refrigeration.

9 That is a safety feature in place for the public  
10 and for the fishermen that the Commission, nor the staff  
11 has a lot of leeway with, if not any leeway with. Thank  
12 you.

13 COMMISSIONER GOLLOTT: Thank you, Joe.

14 Ms. Vu, as far as the Biloxi Bay, they can get a  
15 tonging license, if they have been dredging in Pass  
16 Christian, but you've got to tong there. That has been a  
17 tonging area traditionally back seventy-five years, so  
18 we're not going to change that.

19 It really has nothing to do with anything, but  
20 the bottom. That bottom will not stand dredgers that  
21 don't know what they are really doing in that area. You  
22 will destroy more than what you catch.

23 THAO VU: Yes, I'm aware of that. It is a  
24 historical condition, the reef, Commissioner Gollott.  
25 However, particularly for the Vietnamese American

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



1 fishermen, they don't have the physical ability, as I have  
2 stated through the years in my public comments, to tong.

3 They may be able to get a tonging license, but  
4 they won't be able to tong because they just don't have  
5 the upper strength to tong, and they have to make changes  
6 to their boats.

7 Those are the considerations that I think should  
8 be factored in. Thank you.

9 COMMISSIONER GOLLOTT: Thank you, ma'am.

10 COMMISSIONER BOSARGE: I would still like to  
11 hear from some of the fishermen.

12 JESSIE SCHIFALO: My name is Jessie Schifalo  
13 (phonetic). I've been a commercial fishermen since 03,  
14 when I retired.

15 We need to stop the oyster season, the bottom  
16 line. Finish up with St. Joe, and there is nothing else  
17 to catch out there.

18 I appreciate Mr. Gollott who has been dealing  
19 with seafood all his life, and he is thinking with his  
20 heart, but we need to go with some scientific data.

21 We are tearing the reef apart, now. Just like  
22 Scott Gordon said, we're at the limit. Let's shut it  
23 down.

24 I don't want it shut down, but we've got to have  
25 something for next year. If we keep going, we won't.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 Cutting the limit to twenty sacks, the money is  
2 the same whether it's twenty-five, or twenty, a day.  
3 You've got X number of sacks you are going to let us  
4 harvest. Cutting it back is useless really. I wish y'all  
5 would think of the scientific end of this.

6 Somebody made a comment, we can make a dollar  
7 today, but we're going to lose two dollars next year.  
8 Let's think about that, when we take our vote in a little  
9 while. Thank you.

10 COMMISSIONER GOLLOTT: Thank you.

11 Do we have someone else?

12 I thought I saw someone else back there.

13 WILLIE HARRIS: I might be the oldest oysterman  
14 in here. I don't know. I'm seventy-four years old, and I  
15 can still pick up a sack of oysters.

16 COMMISSIONER BOSARGE: State your name, please,  
17 for the record.

18 WILLIE HARRIS: Willie Harris.

19 Could you bring that up, again, Biloxi Bay  
20 (indicating Joe Jewell).

21 I used to tong this area years ago, and there  
22 are plenty of oysters where Fayard's used to be right  
23 along here all the way up (indicating map).

24 We moved some oysters from this area here and  
25 all over in here two, or three, years ago. There is

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 nothing, but grit. The dredgers tore it up. There are no  
2 oysters. Nothing. Just grit (indicating map).

3 If you turn the dredgers loose on this, it is  
4 going to be the same thing. I recommend tonging only like  
5 you said.

6 COMMISSIONER GOLLOTT: Willie, what year was  
7 that you were tonging in there and were you doing it  
8 legally?

9 WILLIE HARRIS: It was in the late fifties and  
10 early sixties. I was just a young man.

11 There used to be plenty of oysters in there. I  
12 don't know about now, but, at one time -- have you ever  
13 been to the Biloxi Museum?

14 COMMISSIONER GOLLOTT: Yes.

15 WILLIE HARRIS: Have you seen the picture of  
16 this man tonging oysters in the skiff with a man opening  
17 in the same skiff?

18 COMMISSIONER GOLLOTT: Yes.

19 WILLIE HARRIS: That was my grandpa tonging and  
20 my uncle opening right in this area here (indicating map).

21 You go out there, now, and there is just grit  
22 where the dredge boats dredged it all out.

23 COMMISSIONER GOLLOTT: The great news is we are  
24 going to try to rebuild it, and I'm excited about it.

25 WILLIE HARRIS: If you are going to rebuild it,

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 Pascagoula has lots of oysters and it will never be open  
2 for tonging.

3 Now, Graveline, there's a possibility it might  
4 be one day. Graveline has some beautiful oysters.

5 COMMISSIONER GOLLOTT: It has.

6 WILLIE HARRIS: I don't think they will ever  
7 allow dredging in it, but there are some beautiful oysters  
8 in Graveline.

9 COMMISSIONER BOSARGE: Don't say Pascagoula will  
10 never be open. We are still working on that.

11 COMMISSIONER GOLLOTT: Yes.

12 WILLIE HARRIS: Graveline is a possibility. All  
13 the septic tanks are gone, now, as far as I know, and the  
14 water should be cleaning up, getting better in that area.  
15 There are some of the best oysters in Mississippi in  
16 Graveline.

17 That's the main thing I wanted to bring up.

18 COMMISSIONER GOLLOTT: Thank you, Mr. Harris.

19 WILLIE HARRIS: Thank you.

20 COMMISSIONER GOLLOTT: One of the things I would  
21 like to say is, at the rate we're going, Scott, what date  
22 would we close it, under the current limit?

23 SCOTT GORDON: I have not calculated that, but I  
24 could point out that for St. Joe, at the thirty-five  
25 percent, if you were to apply that to that Area I"B", that

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 is seven thousand one hundred and two sacks. We are  
2 seventeen thousand one hundred and forty-seven sacks, now.

3 COMMISSIONER GOLLOTT: How many sacks do you  
4 think is left on I"B"?

5 SCOTT GORDON: We estimated a little over twenty  
6 thousand sacks, twenty thousand two ninety-two for market.  
7 where we are, right now, that's eighty-five percent of the  
8 market oysters.

9 COMMISSIONER BOSARGE: I'm trying a couple of  
10 different things.

11 Louisiana, when they opened on this side of the  
12 river, the Mississippi River, I think it was open for one  
13 day, and, then, they shut it all down.

14 SCOTT GORDON: I think they delayed the opening  
15 because those waters adjacent to us, they were reporting,  
16 I believe, last week about eighty to ninety percent  
17 mortalities.

18 COMMISSIONER BOSARGE: It kind of shows you it's  
19 just not here. It's a large area of mortality.

20 SCOTT GORDON: Yes, sir.

21 We have been fortunate with St. Joe. As I  
22 showed you at the last meeting, DEQ had some DataSondes  
23 out that were collecting dissolved oxygen levels, and you  
24 could see on Henderson Point, when the oxygen levels went  
25 to zero, they stayed down to zero.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 At St. Joe, they would go down to zero, and,  
2 then, you would get a tidal cycle and it would come up.  
3 That kept those oysters alive.

4 COMMISSIONER BOSARGE: If we try to look just a  
5 little bit into the future, because of the mortality  
6 event, what does next year look like?

7 SCOTT GORDON: Next year looks bleak. Like I  
8 said, St. Joe is about the only place, maybe a little bit  
9 on St. Stanislaus, where we would have some oysters that  
10 we would expect to grow into next year.

11 COMMISSIONER GOLLOTT: Is the mortality still  
12 going on?

13 SCOTT GORDON: I believe the mortality event is  
14 over.

15 This was the most dramatic. If you look at Pass  
16 Marianne Reef -- this is before the mortality event -- we  
17 had estimated over ninety-two thousand sacks. We  
18 estimated we had a fifty-one percent mortality, and there  
19 should have been forty-four thousand sacks left there. At  
20 the thirty-five percent level, that would have been over  
21 fifteen thousand sacks to harvest.

22 Let me go back to this map. On Pass Marianne,  
23 we have had one sack harvested there. In fact, like I  
24 told you earlier, that was more like two dozen oysters.

25 COMMISSIONER GOLLOTT: Scott, if we close Area I

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 "B" like you are asking, the hard reefs there, can we  
2 stretch the season out to the first of November, let the  
3 dredge boats go?

4 SCOTT GORDON: That's up to the Commission.

5 COMMISSIONER GOLLOTT: They seem to think they  
6 can find oysters there that we don't know anything about.

7 COMMISSIONER BOSARGE: I guarantee you, if you  
8 talk to any of these fishermen, as much as they want to  
9 work, they want to catch oysters, they want to make money,  
10 but they see the handwriting on the wall, too, that, yes,  
11 we have probably done as much --

12 COMMISSIONER GOLLOTT: (Interposing) Well, we  
13 are going to go within a few days of it, just with the  
14 quota.

15 COMMISSIONER BOSARGE: I was thinking more the  
16 end of the week.

17 COMMISSIONER GOLLOTT: No. You've got several  
18 more days, especially if you drop it down to maybe a  
19 thousand sacks a day.

20 COMMISSIONER BOSARGE: I will make the motion  
21 that we close Area I"B" for harvest of oysters the end of  
22 the week, Friday.

23 COMMISSIONER GOLLOTT: I don't have a problem  
24 with closing I"B" at the end of the week. I'll second  
25 that motion.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 But what I would like to do is make a motion  
2 that we let the rest of the areas go, let them fish until  
3 the first of November.

4 COMMISSIONER BOSARGE: I agree.

5 SCOTT GORDON: For dredging?

6 COMMISSIONER GOLLOTT: Yes.

7 COMMISSIONER BOSARGE: Let's clarify this.

8 SCOTT GORDON: I'm not sure that I understand.

9 COMMISSIONER BOSARGE: Even though we know we  
10 have no oysters on the rest of the areas, we know that --

11 SCOTT GORDON: (Interposing) I concede there  
12 are oysters on the rest of the area.

13 COMMISSIONER BOSARGE: Pardon?

14 SCOTT GORDON: I concede there are oysters on  
15 the rest of the area.

16 COMMISSIONER BOSARGE: Limited oysters?

17 SCOTT GORDON: Yes. Pockets of them.

18 COMMISSIONER BOSARGE: What I'm proposing and  
19 what I see -- I think Richard and I are somewhat on the  
20 same page.

21 COMMISSIONER GOLLOTT: Yes.

22 COMMISSIONER BOSARGE: Let's stop the harvest on  
23 St. Joe, but let's give them the opportunity to move  
24 around just a little bit on the other reefs for this  
25 limited period of time, and, then, close it the first of

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



# Commission on Marine Resources

49

51

November.

SCOTT GORDON: I think that has probably already occurred on their own.

COMMISSIONER GOLLOTT: So be it, yes.

COMMISSIONER BOSARGE: In other words, I agree.

COMMISSIONER GOLLOTT: If you hold it to thirty thousand sacks, what the quota was, twenty-nine thousand and something --

SCOTT GORDON: (Interposing) That was for all of the western reefs.

COMMISSIONER GOLLOTT: I understand, but you are still going to have it open -- if we don't close I"B", you are still going to have it open until probably the 28<sup>th</sup> of this month. We are talking about two, or three, days to let the fishermen catch a few more sacks. They have asked me to do that.

SCOTT GORDON: Again, back to this outdated chart where we have had higher mortalities than what is shown on here, with the thirty-five percent harvest level for the western reefs, that is close to twenty-eight thousand sacks. Out of that twenty-eight thousand sacks, we were estimating over fifteen thousand of that was going to come off of Pass Marianne, and we had two dozen oysters come off of it.

If you eliminate that, we are past the thirty-

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

50

five percent.

COMMISSIONER BOSARGE: I think most of those fishermen probably know that there are not many oysters there, and there are a lot of them probably won't do anything.

COMMISSIONER GOLLOTT: They are not going to work, if they can't make money.

COMMISSIONER BOSARGE: But, at the same time, it might do just a little bit of good to stir it up some, just for those few days.

COMMISSIONER GOLLOTT: We have a motion to close --

SCOTT GORDON: (Interposing) I'm not sure what the motion was.

SEAN MORRISON: Maybe you ought to rephrase it because we do have two motions.

COMMISSIONER GOLLOTT: Well, we can blend them together here.

COMMISSIONER BOSARGE: Close Area I"B" Friday of this week --

JOE JEWELL: (Interposing) I think the motion was to close Area I"B" this Friday, October the 21<sup>st</sup>, and to close all other areas on November the 1<sup>st</sup>, 2016, for dredging.

COMMISSIONER BOSARGE: Correct, for dredging.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

COMMISSIONER GOLLOTT: Correct.

I don't think we need to mess with the tonging.

SCOTT GORDON: I don't understand that motion.

COMMISSIONER GOLLOTT: I don't think we can make English any plainer.

SCOTT GORDON: Yes, sir.

This is Area I"B" here (indicating map).

COMMISSIONER GOLLOTT: Wait a minute.

SCOTT GORDON: Okay.

COMMISSIONER GOLLOTT: You said the reef. We are talking about the reefs, the dark green area, the reef area.

COMMISSIONER BOSARGE: We said I"B" which would encompass that whole area.

COMMISSIONER GOLLOTT: Does that close the channel, too?

SCOTT GORDON: Yes, sir.

COMMISSIONER GOLLOTT: I thought I"B" was just the dark green areas.

SCOTT GORDON: No. I"B" is that entire area.

COMMISSIONER GOLLOTT: Well, you said that most of the activity has been on the hard reefs.

SCOTT GORDON: Our surveys were done on the dark green areas, the hard reef.

COMMISSIONER GOLLOTT: Well, those are the areas

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

52

I want to close the end of the month.

COMMISSIONER BOSARGE: Let's hear what you've got to say.

HAROLD STRONG: Hi. My name is Harold Strong, fisherman.

The dark green areas are already caught up. There are no boats even going to be working on them another day, or two, anyway.

The oysters they are catching, now, are the big oysters that are off of those main reefs.

They are full of muscles. You might as well let them work them, now. You put the cart before the horse, when you opened it when you did. It should have been kept closed until the oysters got some meat in them. That's all hindsight.

There's no sense in closing I"B", now, when you can do what you need to do, kill the hooked mussels. They are there, and the big oysters are not going to live until next year anyway. They done caught all the small ones.

It's incredible, and I don't understand this Commission at all anymore. I used to think I was doing some good, trying to help you along, but, you know what, it's not really worth my time and effort to try and help y'all anymore, and I will tell you exactly why.

I have seen one boat get checked this year. Had

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

October 18, 2016

boats coming all the way from Pass Christian running all the way down to St. Joe and leave in an hour and a half. Impossible, with one dredge down there. No single oysters. Nobody got any tickets. You tell me how. Tell me why.

Any other year you would be checking like crazy. Nothing was done this year. I promise you that. I ain't seen enforcement nowhere.

Anything that happened down there, y'all deserve, but there's no sense in closing it, now. You might as well leave it open and let them work it because, like I said, the main reefs have already been torn up and everything else.

The boats can't come from Pass Christian and run down there and work?

Well, what about when we've got to run to Pass Christian to work?

Nobody cries for us. It is what it is.

You want to drop the limit to twenty, drop it to twenty. Either do that, or close the whole state. No sense in leaving any of it. There is nothing up there to work. Nobody can run up there to help you cultivate your reef. Should have done that. Should have thought about it before now.

COMMISSIONER GOLLOTT: Harold, number one is

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

this Commission doesn't check oysters.

HAROLD STRONG: I know.

COMMISSIONER BOSARGE: There is another gentleman over here (indicating).

COMMISSIONER GOLLOTT: Yes. Go ahead.

PHILLIP DARWELL: How y'all doing, gentlemen?

My name is Phillip Darwell. I'm a fisherman, as well, and they are right. There is no sense in leaving the other areas open for anybody to go try and work. They are just going to cost themselves money burning fuel and time.

If you are going to close it, close it all. There ain't no sense in leaving the other open.

COMMISSIONER GOLLOTT: Where are the oysters with the hooked mussels on them?

PHILLIP DARWELL: Along the channel in St. Joe.

COMMISSIONER GOLLOTT: So you don't think we should leave that open and let you get the oysters with the hooked mussels and knock them mussels off of them and make better oysters for next year?

PHILLIP DARWELL: There is not going to be much of a next year.

My thing about that is, Mr. Gollott, y'all are wanting to relay into Biloxi Bay. That is going to be great, but not for none of the fishermen of Mississippi

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

because tongs are eighty percent out-of-state tongs.

What y'all are doing is giving our resources to out-of-state fishermen, when we need the resources put back into the state for the fishermen that are here.

All these dredging reefs that are dead, they need to be reseeded. If they are not reseeded, there is not going to be nothing for nobody to work. None of the Mississippi boats will work for several years, but all of the Alabama boats are going to get to work because they've got Biloxi Bay.

Half of what we took off of our dredging reefs and put in Biloxi, the tongs are going to get.

Everything else we have is dead. We have nothing next year. We will have nothing for a couple of years.

I'm looking at a change in career because of it. I don't know how I'm going to pay my bills.

What we need to do is relay oysters back to these reefs and have them reseeded for the dredgers.

COMMISSIONER GOLLOTT: Well, the problem is we don't have the money to pay the people to relay them.

PHILLIP DARWELL: We have State boats. Right?

COMMISSIONER GOLLOTT: One State boat.

PHILLIP DARWELL: Something needs to be done.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

If y'all are going to haul them to Biloxi Bay, they need to be hauled to the Mississippi people.

COMMISSIONER GOLLOTT: We need to haul them to both places.

PHILLIP DARWELL: I go out on my boat and we sample the State reefs with the biologists from the laboratories, and everything is dead all around.

What we need to do is find out why things are dying, and we need to rebuild the Sound. There are other programs that we can put into place, like, seaweed cultivation, or whatnot, that helps the oxygen levels in the water. Natural ways to fix the Sound. That's what we need to be looking into.

COMMISSIONER GOLLOTT: I understand. Thank you, sir.

PHILLIP DARWELL: Thank you.

COMMISSIONER GOLLOTT: The last person I talked to from Bayou Caddy down there said that they would like to keep it open, but we can keep the channel open so they can catch those big oysters out of the channel.

COMMISSIONER BOSARGE: From everything I've heard and seen and know, I would like to amend my motion that we close the whole thing this Friday, all State waters.

COMMISSIONER HAVARD: I'll second it.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



# Commission on Marine Resources

57

COMMISSIONER BOSARGE: Is that clear enough?

COMMISSIONER GOLLOTT: And I'm against it. I don't want to close the whole thing.

We have a motion and a second.

All those in favor say aye.

(Mr. Bosarge, Mr. Havard in favor.)

COMMISSIONER GOLLOTT: Hold up your hand, please, so we can count them. Two in favor.

COMMISSIONER GOLLOTT: All those opposed say aye.

(Mr. Gollott, Mr. Harmon, Ms. Trapani opposed.)

COMMISSIONER GOLLOTT: Hold up your hand so we can count them. Three opposed.

It won't close.

I would like to make a motion that we close the hard reefs, the hard green reefs and let the rest of it stay open so they can harvest those oysters out of the channel.

RUSTY PITTMAN: You can't do that.

COMMISSIONER GOLLOTT: You can't do it?

RUSTY PITTMAN: No.

COMMISSIONER GOLLOTT: Step up to the mike and tell us why you can't do it.

RUSTY PITTMAN: That one area you're talking about, Mr. Chairman, right there at the channel, it's just

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

58

a hard area, when you've got the whole area open, to enforce that. You don't have any markings. It's just a hard area to enforce.

COMMISSIONER GOLLOTT: Harold says the oysters are gone off of the hard reefs.

Is that true?

Off the hard reefs, have they been caught up?

RUSTY PITTMAN: I have no idea. I haven't been down there. I've been out of state. What you hear from the fishermen is what we've heard.

COMMISSIONER GOLLOTT: Okay.

HAROLD STRONG: I got in at 1:30 yesterday and I've got two dredges. It is pretty much gone, when it takes me that long.

The hard reefs, there is no way to separate. Enforcement would never be able to tell where they were anyway is what I'm trying to tell you.

COMMISSIONER GOLLOTT: Okay. I'll amend my motion not to close the areas, just leave I"B" open until February the 1<sup>st</sup>.

I also talked to Mike, and he is loading trucks every day and people are getting their limit by 11:00 o'clock.

What do you believe?

HAROLD STRONG: I'm not saying that there ain't

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

59

boats that are coming in.

COMMISSIONER GOLLOTT: Where are they catching the oysters?

HAROLD STRONG: Well, let me just say this.

Have enforcement down there today when they come in, but I wouldn't do it today. I would let them know that you are going to come tomorrow because if you go down there today, all of them are going to get tickets, and that wouldn't be quite right, since there ain't nobody been down there all this time.

Give them one day's notice and tell them, we are going to enforce the cull law tomorrow, and I promise you that 11:00 o'clock will be long gone.

COMMISSIONER GOLLOTT: Well, that's up to the Chief of law enforcement.

HAROLD STRONG: I'm just being honest with you guys. You asked me and I'm telling you.

COMMISSIONER GOLLOTT: We have nothing to do with that. We want to enforce the laws all the time.

HAROLD STRONG: I'm not saying that. I'm just telling you what is going on. You've got boats coming down there and just slinging oysters and going in and unloading them. If they had to go by a cull law, they would all get tickets. If you let them go for a week, or two weeks, and, then, all of a sudden you drop in on them

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

60

one day, that wouldn't be quite fair to them. They would just assume that it's open game. I'm just telling you they are not going to be able to pass the cull law. I'm being honest with you.

COMMISSIONER GOLLOTT: Let's take about a fifteen minute break to kind of digest this stuff, and, then, we will come back.

(Whereupon, a short recess was taken.)

COMMISSIONER GOLLOTT: I would like to call this meeting back to order.

Sean, can I ask you to bring us back up to speed on the motions?

SEAN MORRISON: Yes, sir. So far, I think we still have about two motions on the table.

The first one was technically not resolved, and that was Commissioner Gollott's motion to close Area I"B" this Friday and leave the rest open until November 1<sup>st</sup>.

I believe that was Mr. Bosarge?

COMMISSIONER BOSARGE: Yes.

SEAN MORRISON: That motion is still out there. There was another motion by Commissioner Bosarge to close all the areas on Friday.

Is that correct?

COMMISSIONER BOSARGE: That's correct.

SEAN MORRISON: But that motion did not pass.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

COMMISSIONER BOSARGE: Correct.

SEAN MORRISON: Commission Gollott then made a motion to close all areas on February 1<sup>st</sup>, and that motion is still on the table.

COMMISSIONER GOLLOTT: I would like to withdraw my motion because we are going to reformulate a different motion.

How about you Commissioner Bosarge?

COMMISSIONER BOSARGE: And I will withdraw mine.

SEAN MORRISON: Okay.

COMMISSIONER GOLLOTT: The new motion is for the remainder of this month, until February the 1<sup>st</sup>, we go to a five day --

COMMISSIONER BOSARGE: (Interposing) Not February.

COMMISSIONER GOLLOTT: I'm sorry. Close it on November the 1<sup>st</sup> -- and the 22<sup>nd</sup> and the 29<sup>th</sup>, Saturdays, will be off days.

Is there anything else?

COMMISSIONER BOSARGE: Do you understand that, Scott?

In other words, it would remain open until November the 1<sup>st</sup>, with the exception that the two Saturdays that remain within that period of time, those would be days it will be closed.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

SCOTT GORDON: So closed for dredging on Saturdays for the remainder of October?

COMMISSIONER GOLLOTT: Yes.

We have a motion.

Do we have a second?

COMMISSIONER HARMON: I'll second that motion, 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.

SCOTT GORDON: Thank you.

COMMISSIONER GOLLOTT: Thank you.

Now, for the good one, speckled trout.

JOE JEWELL: The final agenda item for Marine Fisheries is an update on the Spotted Seatrout Stock Assessment.

JAMIE MILLER: Joe, wait one moment. Some people are trying to leave.

JOE JEWELL: To start off the presentation will be Mr. Matt Hill.

MATT HILL: I hope we just had the good one.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

Good morning Commissioners, Director Miller, Mr. Morrison.

I would like to welcome our new Commissioner, Ms. Trapani. I'm glad we are going to get to work with you.

We are here today to discuss the management recommendations and options for Spotted Seatrout. We will try to be somewhat brief. I know we have been here for a while, now.

I would, first, like to thank a couple of people. Foremost is Dr. Paul Mickle here. He has done the lion's share of the work on this. I would also like to thank Read Hendon and Robert Leaf, both at the Gulf Coast Research Lab. They have provided us with all of the things that we have requested from them.

The first thing we would like to go through are the management options -- and these have stayed the same throughout this entire process -- beginning with status quo, minimum size changes, seasonal closures for recreational and commercial, per person bag limit changes, recreational quotas. The reason they are highlighted in yellow is these are what we could actually model through the ASAP model.

The others were not able to be modeled. That's why they are in white, vessel bag limits, size limit

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

slots, gear restrictions and area closures.

I would like to take just one second to explain something, especially when we are talking about minimum size changes. I don't like to read things word-for-word, but I'm going to read this.

With the minimum size changes, we did present y'all an addendum, version zero point one. I believe it was a couple of months ago.

I would like to point out that we do have recent data showing F, or fishing mortality, at an even higher rate than was used in the base model. This data would most likely cause percent SPR, start of your biomass and yield to be lower than what was reported in the projected scenario that CMR requested to meet the target level of twenty percent SPR.

Basically, what I'm saying is the resource is currently at a lower level than the model depicts. The reason for this is the terminal year of the stock assessment is 2014.

However, since then, fishing mortality has risen, causing total biomass to drop and spawning stock biomass to also drop.

With all this being said, we have reviewed all of our options and alternatives and, currently, the staff's recommendation would be to decrease fishing

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



1 mortality, F, which is currently greater than one point  
2 eight.

3 To do this, we would raise the recreational  
4 minimum size limit to fifteen inches for a three-year  
5 period, with the status quo bag limit of fifteen fish per  
6 person. We would prohibit for-hire captain and crew from  
7 keeping a recreational bag limit of Spotted Seatrout. We  
8 would also conduct updates each year, during the  
9 rebuilding, and present them to the CMR.

10 After the three-year period, the stock  
11 assessment panel will perform a complete stock assessment  
12 to determine the percent SPR of the Spotted Seatrout stock  
13 at that time.

14 Some of the reasons we have come to these  
15 conclusions, as you can see, are the fishing mortality on  
16 the left-hand side has continued to increase and will  
17 continue to increase and our percent SPR began to drop off  
18 in 2008. The 2014 estimate, as you can see, is ten point  
19 two.

20 If you can remember, the Commission did set a  
21 twenty percent SPR target. Right now, the Mississippi  
22 Spotted Seatrout stock is considered to be overfished and  
23 undergoing overfishing.

24 We have run a preliminary estimate for 2015 and  
25 have come up with eight point eight which says that the

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 percent SPR is continuing to fall, at the thirteen-inch  
2 minimum size limit.

3 This one is a little bit tough to see. Right  
4 now, we are basically harvesting close to six hundred  
5 metric tons of fish. What can be harvested, if you use  
6 the twenty percent SPR, is roughly somewhere in the three  
7 hundred metric ton range.

8 The reason we came up with the fifteen-inch  
9 minimum size limit is we had to figure out a way to cut  
10 the harvest in half. We have to cut the harvest from six  
11 hundred metric tons to three hundred metric tons, and we  
12 currently feel this is the best way to do that in the time  
13 frame that the commission has set forth, the three to five  
14 year time frame.

15 With that, we will take questions, and I will  
16 turn a lot of these questions over to Dr. Paul Mickle.  
17 However, I will be glad to answer any questions you may  
18 have.

19 COMMISSIONER GOLLOTT: Do we have any questions  
20 from the Commission?

21 COMMISSIONER BOSARGE: I guess I would like to  
22 go over just a little bit about what you and I discussed  
23 in the modeling, when we went to the fifteen inch, just so  
24 that everybody in the audience can kind of see what I saw  
25 and what conclusions we came to.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 Can you pull the graph up that we had, Paul,  
2 where you did your calculations and the numbers you used  
3 for your calculations?

4 PAUL MICKLE: This slide is in Addendum One.  
5 It's not in the presentation, but we do have the figure  
6 that I made from that slide. This is it, right here.

7 With the fourteen-inch size limit, it really  
8 just didn't do the job because of the fishing pressures  
9 that we are currently undergoing, and the model picked up  
10 on that.

11 The biggest hitter was going from thirteen  
12 inches to fifteen inches.

13 Your question, I think, Commissioner Bosarge was  
14 why was the yield locked in at that certain number.

15 COMMISSIONER BOSARGE: When you went from  
16 thirteen to fifteen, yes, you looked at what we could take  
17 out of the fishery and you used the years, I think, 2008  
18 to 2014 --

19 PAUL MICKLE: (Interposing) 2009.

20 COMMISSIONER BOSARGE: 2009 to 2014.

21 PAUL MICKLE: Yes, sir.

22 COMMISSIONER BOSARGE: Used the average number  
23 of fifteen-inch fish that we harvested and cut that in  
24 half.

25 PAUL MICKLE: Yes, sir.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 I'm going to start from the beginning and just  
2 kind of go through it.

3 COMMISSIONER BOSARGE: Okay.

4 PAUL MICKLE: Dr. Leaf provided this. This was  
5 a request by the Commission to look at these different  
6 scenarios. That's why it is presented in this addendum.

7 He explains very clearly at the top here that he  
8 used the data from 2009 to 2014, just like you said. He  
9 took the average harvest that Mississippi did in those  
10 years and found it to be four hundred and one thousand and  
11 change kilograms per year.

12 When he looks at that, he looks at the size  
13 distribution of what that total number is. Once he  
14 calculated that up, then, he slices off and removes the  
15 thirteen- to fifteen-inch size fish that were harvested in  
16 those years, 2009 through 2014. That allows the model to  
17 tell you what is going to happen, when we do this change.

18 It makes sense. You asked the model to do  
19 something. The model used the data. He sliced off fish  
20 that were below fifteen inches that would no longer be  
21 harvestable, allow them to reproduce and see what the SPR  
22 and the biomass would do. By doing that, it locks in the  
23 yield at that number, and it gives you exactly what y'all  
24 asked for, what is going to happen. Biomass increases and  
25 SPR reaches its target within a three-year period.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

COMMISSIONER BOSARGE: The point I tried to make -- and I think Matt caught on just a little bit -- when you look at 2009 to 2014, we had a fishery that was in decline, but still vibrant.

PAUL MICKLE: Yes.

COMMISSIONER BOSARGE: Because we don't have enough data to get us all the way out to 2016, that number that you used as your beginning number to start your modeling is a number that we don't have anymore and we don't have it by a long shot.

As you did your modeling, you started with this hundred and ninety-seven thousand pounds. Well, each year you build on that number, so we have a model that shows us rebuilding really quick, when, I think, if you were to plug in the actual number of what is left in the stock now of those fish that are over fifteen inches, you would have a really different outcome, and that's what I worry about.

In other words, especially the first year, once we go to a fifteen inch, there is going to be very little, if any, harvest of those size fish.

MATT HILL: I think what we did agree on, Commissioner Bosarge, was that procedurally it was correct.

COMMISSIONER BOSARGE: Correct.

MATT HILL: I think we had a discrepancy in the

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

number that we used, and I believe we did agree on that, and that is something that we can now look at that we have. Like I tried to make that statement in the beginning, we have some more up-to-date information and we can provide a different estimate.

However, we went back and looked at the estimate last night, and we still feel like we definitely are at a lower place, the biomass. Not just the total biomass, but the spawning stock biomass is definitely lower than what we initially plugged in here. However, we still do believe that the increase from thirteen to fifteen inches will get the job done. It just may not get it done quite like we said it would right here, but we believe that is the right path to take.

COMMISSIONER BOSARGE: I agree with you. I agree with the fifteen inch.

MATT HILL: Yes, sir.

COMMISSIONER BOSARGE: My concern, right now, is that is not going to be enough to get us started on a path. When you go from, right now, where you can't catch a thirteen-inch fish, or very few thirteen-inch fish, and we go to a fifteen-inch fish, basically, we are closing the season. The only thing is we haven't changed the mind set of the fishermen. They are still going to go and try to catch that fifteen-inch fish, so we are hammering what

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

few fish we have left.

MATT HILL: What we would like to suggest is that we are coming close to the end of the 2016 year. If we can get the regulatory part of this in place with the fifteen inches and get that part going, then, that will give us time and it will give us the most up-to-date data to where we can plug in some of those numbers that we talked about, and maybe come back early in 2017 and give a little bit more realistic time frame and if a season closure would be warranted, at that time.

COMMISSIONER GOLLOTT: At this time, I think we need to listen to some folks here and get their opinion.

As much as I hate to say this, Mr. F. J. Eicke, would you come up and talk to us?

F. J. EICKE: My name is F. J. Eicke, and I represent CCA of Mississippi, Coastal Conservation Association of Mississippi.

The only thing I would say to the Commission is that we have now and have had for sometime, but particularly now, recognized scientists on our staff who are making a recommendation to y'all that I think you need to consider seriously.

CCA's position basically is as stated in the position statement that we presented to you previously that we go back to fourteen, unless the model dictates

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

going higher, and we are comfortable with going higher.

It is, obviously, going to affect some fishermen, in terms of what they can catch, but the long-term affect is predicable, apparently, to some extent.

I think, Commissioner Bosarge, you had raised some things that we can maybe look at as we move forward, but, at this point, we need to stick with the staff recommendation, and that is basically where we stand on this particular issue.

If a bag limit, or something else, in the future is needed, let's think about it at that point, but, right now, let's do what is right.

COMMISSIONER GOLLOTT: Let me get this straight. You are all right with a fifteen-inch fish?

F. J. EICKE: We are, based primarily on the fact that we've got scientific reason, and that's what we try to base our decisions on, scientific reasons that say this is what we need to do, and this is what we need to do.

COMMISSIONER GOLLOTT: So you have confidence in the science?

F. J. EICKE: Yes, sir.

COMMISSIONER GOLLOTT: Thank you, Mr. Eicke. James Laird.

JAMES LAIRD: I would like to thank the

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



Chairman, Director and the Commissioners for their time this morning.

I have been keeping up with this speckled trout issue for a while here in the State of Mississippi, and I understand that there could be a problem.

I would like to make a recommendation to the board that the speckled trout be removed from the commercial list and placed only on the game fish list.

Mississippi is the only Gulf Coast state out of five that allows the commercial taking of speckled trout and red fish. Texas, Louisiana, Alabama and Florida have banned that.

I would recommend that we ban that to increase our population of trout here in this state and our fishery in this state.

I would also like to make a recommendation that we leave the thirteen-inch size limit in effect and we go for a slot from thirteen to eighteen. In that range, we can keep those fish. Lower than thirteen we turn them back. Over eighteen we turn them back because we know that those big sow trout -- and we catch them -- have more eggs than anything else. If we release that population back into our waters, that size fish will produce more eggs which will sustain the fishery.

I know the problem that we've got here is this--

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

and I fish in Hancock County and I fish across the Intracoastal Canal. If I want to catch twelve-inch trout, I can go to Louisiana and catch them. It's not a problem, and the limit over there is twenty-five, right now. All I've got to do is jump in a boat and run over to Delacroix and there we are.

Our fish move back and forth. That line is for the states and states alone. If we could release our big sow trout back into the environment -- we are to be good stewards of what the Good Lord has given us -- I believe that we can maintain that fishery.

That's all I've got to say.

COMMISSIONER GOLLOTT: Thank you, sir.

JAMES LAIRD: Thank you.

COMMISSIONER GOLLOTT: David Wells.

DAVID WELLS: Good morning Director Miller and Commissioners.

I'm a resident of Hancock County, so I thank y'all for coming to Hancock County and saving us some driving time. I really appreciate Director Miller for having these meetings in different counties throughout the Coastal counties. I thank you for that.

I also would like to recognize my friend, Jolyene Trapani, to the Commission. Good to see you.

COMMISSIONER TRAPANI: Thank you.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

DAVID WELLS: I made a comment last meeting, and I kind of stick with it. I'm speaking on behalf of a recreational fisherman, although I am a member of CCA Mississippi.

My fishing experience -- we all have opinions -- is that we have quite a few fish, but there is a lot of pressure on them.

Whatever that line is that you draw, thirteen-, or fourteen-, or fifteen-inch fish, we are going to catch everything down to that line, and that's why, in my opinion, we don't catch anything over thirteen, very seldom throughout most of the year, unless you go out with live bait and catch the big trout when they come in to spawn.

I have noticed, since the last meeting, where I was catching a ton of fish and they were all under size, that now the fishery is coming back into the estuary, and I would say my catch per ratio is at least up to fifty percent.

I also talked to the biologist after the last meeting, and I kind of had the same concerns as the gentleman before me, that we need to release the bigger fish, but Paul said there are not enough big fish left to reproduce. It's the amount of the smaller fish that they will produce more eggs than just the few of the bigger

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

fish.

As a CCA member, I always want to err on the side of the scientists, and I would hope y'all would take their recommendation. Thank you very much.

COMMISSIONER GOLLOTT: Thank you, sir.

ROY DEDEAUX.

ROY DEDEAUX: My name is Roy Dedeaux. I'm a lifelong resident of Bay St. Louis. I've got three minutes, so I'm going to breeze through.

In the late eighties, when they raised it to fourteen inches, I was instrumental in collecting twelve hundred signatures to fight that fourteen inches. The reason why I did it, I did it for the common people, not the people that have sixty thousand boats.

I got twelve hundred signatures in two weeks, went to Jackson and changed that law.

I see all the data. Back then, there was no study on the speckled trout, but they raised it.

Where did they get the data, then, to raise it?

I'm not a firm believer in the data. A lot of people think global warming is happening. A lot of very intelligent people say it's a bunch of bull.

I'm here to represent the people that fish off the shoreline with their children, their grandchildren and great-grandchildren.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

Seventy percent of all male trout die within three years. That's a fact.

Everything I'm stating here is facts. It's not just what I'm saying. I've got proof to prove everything. Seventy percent of them die.

Slot limit. I don't agree with somebody saying that the sow trout don't produce as many eggs as the smaller trout. Come on, now. The bigger the trout the more eggs.

There are certain special interest groups that really think they are doing good for conservation. They put their name on their shirt, and they really truly believe they are doing good for conservation. They are not. They are not doing good for conservation.

For one thing, if you raise it to fifteen, do you realize how much money the State of Mississippi is going to lose on fishing licenses, tackle and bait?

You better consider that.

Why get a license, when you can't fish, because you've got one small group of people, just like in the late eighties when I fought it, that think they are doing the right thing.

These people are good people. They are just misinformed. They are very misinformed.

Those trout are here. They have been here.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

I don't agree with that data. I can go catch all I want of big trout, at a certain time of year. I can catch them in the springtime. I can catch them in the fall into the cold winter. I can catch big huge trout. That's when they are here.

But the special interest group, these same people -- and I know a lot of them. I'm sixty-eight years old, so I don't care if I hurt their feelings anymore.

I had a camp down in Delacroix. All these people with that little patch on their shirts, they go to Delacroix and they catch their twenty-five. I've seen them bring them back, and go out again and catch twenty-five more, but, yet, they are going to say they are conservationists.

They go right across. Twelve miles from Bay St. Louis, they go to Louisiana. They catch their twenty-five.

Is that conservation?

That's hypocritical is what it is. It is totally hypocritical.

I heard this morning it was already a done deal with fifteen-inch trout.

Why not have a meeting at night when the real common people come out to voice their opinion?

COMMISSIONER GOLLOTT: Your time is about over.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

ROY DEDEAUX: Okay. That's all I have to say. I totally disagree with the fifteen-inch speckled trout for my kids and my grandkids. Thank you.

COMMISSIONER GOLLOTT: Thank you.

Chris Legarde.

CHRIS LEGARDE: Good morning and thank y'all. Welcome to Bay St. Louis.

Ms. Trapani, welcome aboard.

COMMISSIONER TRAPANI: Thank you.

CHRIS LEGARDE: I hope maybe we can have two, or three, meetings over here a year, with your pushing them to come over because it's a challenge to drive to Biloxi once a month.

Speckled trout. Data is good, as long as it supports your cause, and, when it's not your data and you don't agree with it, it's bad data, and that's one of the things y'all have a challenge to deal with.

Personally, I think we ought to go up to sixteen inches and down to five per creel limit.

It is time for the Commission to step up and listen to the scientists. In terms of closing down the netters, I think we should be proud that we have a little bit of a commercial fishing industry still left. We ought to be doing more to try and get that industry back.

Everybody talks about jobs, but nobody talks

about those commercial guys. We put them out of business. I don't know how many years ago it was, when we pretty much eliminated gill nets under the guise of conservation, and, now, we're overfishing speckled trout with very little -- what it is, thirty thousand, or forty thousand, pound limit for trout?

COMMISSIONER BOSARGE: Fifty thousand.

CHRIS LEGARDE: All you've got to do is go up on the mesh size and you can adjust that fairly easily.

When you are hook and lining, Washington Street rock pile -- most of you don't know it, but there is a boat launch there. On a weekend, there are probably thirty-five, or forty, boats there every weekend. We've got way more sports fishermen than we have ever had. We have got to get a handle on this.

There are other fish they can catch. I don't believe Mississippi is going to lose that much money, if we do this. You've got white trout, you've got flounder, you've got sheepshead, you've got red drum and, heaven forbid, you've got gafftop which I still eat, by the way.

It is a difficult proposition, but I think the Commission has to do something.

The discussion about the oysters, look at the trouble we have with oysters and they don't move.

Fish move, and we are trying to get a handle on

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



1 what is going on.

2 I would just hope that the Commission, as we  
3 listen to the scientists, will bite the bullet and do  
4 something to make sure we don't lose this fishery.  
5 Thanks.

6 COMMISSIONER GOLLOTT: Thank you, Chris.  
7 Ryan Bradley.

8 RYAN BRADLEY: Good morning Commissioners.  
9 Welcome, Ms. Trapani.

10 COMMISSIONER TRAPANI: Thank you.

11 RYAN BRADLEY: I wasn't planning on speaking  
12 about this today, but I heard a fellow over here talking  
13 about closing out commercial fishing for speckled trout.

14 I hope the Commissioners don't entertain that  
15 idea at all. I think it's a bad idea.

16 Fifty thousand pounds is really just a drop in  
17 the bucket. It is really small.

18 I've been reading some of the articles that have  
19 come out. I think Mr. Eicke has written some of them  
20 boasting and bragging on the recreational sector, how many  
21 boats are at the boat launches, their economic impact and  
22 whatnot.

23 Everybody in here can tell you, when you go to  
24 the boat launches, they are jam-packed full of  
25 recreational fishermen. It's more than I have ever seen

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 before.

2 I just wanted to state a couple of facts. I was  
3 looking through the stock assessment, and I think the  
4 recreational fishermen, their estimated landings annually  
5 are over a million pounds, one point three million.

6 Is that right?

7 MATT HILL: Yes.

8 RYAN BRADLEY: Commercial, fifty thousand  
9 pounds.

10 Please tell me how that is fair and equitable.

11 COMMISSIONER GOLLOTT: Mr. Bradley, are you  
12 trying to excite Steve Bosarge over here?

13 Have you been talking to Steve?

14 RYAN BRADLEY: No. I haven't talked to Steve  
15 lately.

16 COMMISSIONER GOLLOTT: We understand what you  
17 are saying, and we agree with you.

18 RYAN BRADLEY: If anything, we need to be more  
19 equitable with commercial fishermen.

20 Like the guy said before, they put us out with  
21 the gill net years ago before my time, so I never got a  
22 chance to take part in that, but I have commercial fished  
23 for speckled trout a good deal, and I quit doing it  
24 because the pressure from the recreational fishermen was  
25 so great that it just wasn't worth my time to compete with

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 the recreational fishermen.

2 One more thing. My thoughts on the fifteen-inch  
3 speckled trout, we may not agree on this, Mr. Bosarge, but  
4 I think the fifteen inch is a bad idea. I think that  
5 people are still going to fish. They are still going to  
6 catch fish. They are going to catch a lot more fish to  
7 get to that fifteen-inch trout. There is going to be a  
8 lot that are thrown back. Maybe some survive. Maybe some  
9 don't. I think that is something you need to consider on  
10 going to the fifteen inch.

11 Also, my personal opinion is that a fifteen-inch  
12 trout is almost too big to eat. I like them smaller. I  
13 eat the twelve-inch Louisiana trout, but I think, when you  
14 go to fifteen, you are going to still have people fishing,  
15 and they are going to be catching trout.

16 Fifteen-inch trout will not stop them from  
17 catching trout. They are going to throw them back. Half  
18 of them are going to live. Half of them won't live.

19 That's all I've got. Thank you.

20 COMMISSIONER GOLLOTT: Thank you, sir.

21 We have heard from the public. We have  
22 discussed it among ourselves.

23 Does anyone have a motion?

24 COMMISSIONER HAVARD: Yes. I would like to go  
25 ahead and make a motion, based on what the science says

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 and the number of hooks that we currently have in the  
2 water, to raise the minimum size limit to fifteen inches  
3 and leave the fishing status, or the creel limit, the bag  
4 limit at fifteen, and prohibit the for-hire captain and  
5 crew from keeping recreational limit of Spotted Seatrout.

6 COMMISSIONER GOLLOTT: Do we have a second to  
7 that motion?

8 COMMISSIONER BOSARGE: So I understand that  
9 motion correctly, basically the recommendations from the  
10 staff verbatim?

11 COMMISSIONER HAVARD: Yes, that is correct, but  
12 I want everybody to understand that every year the  
13 scientists are going to be conducting updates to let us  
14 know whether this potential change is going to make a  
15 difference, or not.

16 It's not going to be one of these decisions that  
17 is made and it is set in stone forever. This will be  
18 something that will be addressed every year and monitored,  
19 and, if it needs to be changed a little bit one way, or  
20 the other, we will cross that when the time comes.

21 As of right now, that is my recommendation,  
22 almost verbatim what the science recommends.

23 COMMISSIONER BOSARGE: I'll second that motion.  
24 I think this is to bring it out for public  
25 comment?

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

# Commission on Marine Resources

85

1 JOE JEWELL: That's what I was going to note.  
2 With the second to that motion, what that means is that  
3 the Commission is going to require us to go out for a  
4 Notice of Intent to Title 22 Part 7.  
5 COMMISSIONER BOSARGE: Okay.  
6 COMMISSIONER GOLLOTT: Could I add a friendly  
7 paragraph in here?  
8 I have asked Paul to see what completely closing  
9 it down for one year would be, and he is supposed to come  
10 back and let us know.  
11 When we send it out for public hearing, we can  
12 add that in and we can take it out, but, if it's not in  
13 there, then, it can't be added to it, once it goes out.  
14 I would like to put that in there, that we maybe  
15 close it for a year.  
16 JOE JEWELL: As a point of order, can we make  
17 that second motion a separate motion from this motion  
18 because the first motion is a regulatory action by the  
19 Commission that will require a Notice of Intent.  
20 An area closure, or potential season closure, is  
21 a non-regulatory issue and can be handled directly from  
22 the bench by the Commission.  
23 COMMISSIONER GOLLOTT: It wouldn't have to go  
24 out?  
25 JOE JEWELL: It would not.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

86

1 COMMISSIONER BOSARGE: If I understand it, we  
2 need to vote on Commissioner Havard's motion, and, then,  
3 do this?  
4 JOE JEWELL: No. This is the motion onboard,  
5 right now. You would have to vote on this motion.  
6 JOE JEWELL: You now need to vote, correct.  
7 COMMISSIONER BOSARGE: And, then, do this?  
8 COMMISSIONER GOLLOTT: No. We wouldn't have to  
9 do it.  
10 JOE JEWELL: No. This is the motion onboard,  
11 right now. You would have to vote on this motion.  
12 COMMISSIONER GOLLOTT: In the future, if Paul  
13 comes back and says, you can accomplish this in six  
14 months, by doing it this way, we could modify it, then.  
15 we have a motion and we have a second.  
16 All those in favor say aye.  
17 (All in favor.)  
18 COMMISSIONER GOLLOTT: Opposed?  
19 (None opposed.)  
20 COMMISSIONER GOLLOTT: Motion carries.  
21 COMMISSIONER BOSARGE: All the staff knows my  
22 concern has been, when we go to fifteen-inch fish which we  
23 just did the motion, that basically we are closing the  
24 season, and, because of where the stock is, my concern is  
25 to try to protect what fish we have left to spawn for this

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

87

1 coming year.  
2 In an effort to try to add a little boost to  
3 what we already have, I would like to make a motion that  
4 we do a closure, and I'm not quite maybe extreme as  
5 Commissioner Gollott, but for December, January, February  
6 and March to protect those big trout while they are up the  
7 rivers for this year, one year only.  
8 SEAN MORRISON: That would be from the beginning  
9 of December to the end of March?  
10 COMMISSIONER BOSARGE: Correct.  
11 JOE JEWELL: December 1 through March 31<sup>st</sup> of  
12 2017?  
13 COMMISSIONER BOSARGE: Correct, just for the  
14 protection of what few big fish we have left, when they  
15 are corralled up in those deeper holes up in the rivers  
16 and up in the estuaries.  
17 COMMISSIONER HAVARD: Commissioner, I would like  
18 to see it for January, February and March.  
19 COMMISSIONER BOSARGE: Not December?  
20 COMMISSIONER HAVARD: Leave December out.  
21 Start it from January of 2017.  
22 JOE JEWELL: Would that be a friendly amendment  
23 to your motion?  
24 COMMISSIONER BOSARGE: Yes, sir.  
25 JOE JEWELL: would you accept that?

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

88

1 COMMISSIONER BOSARGE: I will accept that.  
2 COMMISSIONER HAVARD: I will second that.  
3 COMMISSIONER GOLLOTT: We have a motion and a  
4 second.  
5 All those in favor say aye.  
6 (All in favor.)  
7 COMMISSIONER GOLLOTT: Opposed?  
8 (None opposed.)  
9 COMMISSIONER GOLLOTT: Motion carries.  
10 JOE JEWELL: That concludes the presentation for  
11 Marine Fisheries. Thank you.  
12 COMMISSIONER GOLLOTT: Thank you, Joe.  
13 Mr. Jan Boyd.  
14 JAN BOYD: Good afternoon Mr. Chairman,  
15 Commissioners, Direct Miller, legal counsel.  
16 On behalf of the Office of Coastal Resources  
17 Management, I would like to welcome you aboard, Ms.  
18 Trapani.  
19 COMMISSIONER TRAPANI: Thank you.  
20 JAN BOYD: We have three action items for your  
21 consideration today. Chris Pickering will be our first  
22 presenter.  
23 CHRIS PICKERING: Good afternoon. My name is  
24 Chris Pickering, and I will be presenting the next two  
25 action items.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

October 18, 2016



I do want to note that both of these violations and after-the-fact requests, this same contractor was a part of both of them, but we will be looking at them separately.

The first one is a request for after-the-fact exclusion/violation by Mr. Christian Groff, DMR Number 160079. It is located on Chico Bayou at 711 Wiggins Circle in Pascagoula, Jackson County, Mississippi.

It's in the General Use District, and the agent is Parnell Construction Company of Jackson County, Mississippi, LLC.

The owner was permitted previously for an access pier forty-two and a half by five feet, a pier fifteen feet by two and a half feet, and a boathouse twenty feet by twelve feet. The total shading for all these structures was two hundred seventy-seven and a half square feet.

Currently existing there is an access pier twenty-seven by five feet, a boathouse twenty-four by eighteen feet, and the boathouse is four hundred and thirty-two square feet. There is a floating dock twenty by eight feet which is a hundred and sixty square feet, and another floating dock fifteen by eleven feet which currently has three boat berth areas on it and it is a hundred and sixty-five square feet. The total shading of

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

all these structures is seven hundred and fifty-seven square feet. It went from two seventy-seven and a half to seven hundred and fifty-seven.

Here is an aerial. You have Highway 90. This is Market Street coming down and Martin Street and there's the property right there with Bayou Chicot.

There is a zoomed-in aerial. The boathouse sits right in here.

Here's a diagram of the access pier, the boathouse and the two floating docks. This is the floating dock that currently has three boat berth areas.

There are pictures (indicating photographs).

On December 11, 2015, a General Permit was issued to Christian Groff for an access pier, pier and boathouse.

On July 11, 2016, an anonymous individual called staff and reported Mr. Groff's structures were constructed halfway across the width of the waterway.

On July 21, 2016, a site visit by staff revealed the boathouse was constructed out of compliance with the previous permit and the two floating docks were installed without a permit. The structures were not more than twenty-five percent across the width of the waterway, so he was good there.

On July 25<sup>th</sup>, 2016, staff notified Mr. Groff and

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

his agent of the violation and that they must submit an after-the-fact application for the existing structures as is. Mr. Groff told staff that Mr. Parnell did not install the floating docks. Those were installed after Mr. Parnell finished construction on the access pier and boathouse.

On August 24, 2016, staff received the after-the-fact permit application.

This is the staff's recommendation. The staff has conducted a thorough evaluation and, because a Certificate of Exclusion would have been issued had an application been submitted prior to completing the structures, recommends that the Commission approve the applicant's request for after-the-fact authorization.

Staff also recommends a fine be issued to the applicant and agent, in accordance with Mississippi Code 49-27-51.

The violation was discovered on July 21, 2016. The violation lasted thirty-five days. The maximum potential fine is seventeen thousand five hundred dollars.

Staff is recommending a fine be issued to Parnell Construction Company of Jackson County, Mississippi, LLC, in the amount of five hundred dollars for constructing the boathouse one hundred fifty-four square feet over the previous authorization of the

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

boathouse.

Staff is also recommending a fine be issued to Mr. Christian Groff in the amount of two hundred dollars for installing three hundred square feet of floating docks without a permit.

We would also recommend that the fine be paid within ninety days of the Commission meeting, or it be forwarded to the Attorney General's office for further action.

COMMISSIONER GOLLOTT: Let's look at this floating dock.

Isn't it the same thing as a boat?  
why would you want to fine somebody?

It's not a permanent structure.

CHRIS PICKERING: It is a permitted structure.

COMMISSIONER GOLLOTT: A floating dock is a permanent structure?

CHRIS PICKERING: Yes, sir.

COMMISSIONER GOLLOTT: How is it anchored?

CHRIS PICKERING: It is still considered shading of water bottoms.

JAMIE MILLER: Stop real quick.

You are asking if it's a permanent structure.

COMMISSIONER GOLLOTT: Yes.

JAMIE MILLER: Chris is saying it is a permitted

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 activity. It's not a permanent structure, but it is a  
2 permitted activity.

3 COMMISSIONER GOLLOTT: If somebody had a big  
4 boat and they tied it there, would you have to have a  
5 permit for it?

6 CHRIS PICKERING: No, sir.

7 COMMISSIONER GOLLOTT: It doesn't make sense to  
8 me, why you would want somebody to have a permit to put a  
9 floating dock that could be hauled off at anytime. Same  
10 thing as a boat.

11 CHRIS PICKERING: It's a regulatory structure  
12 because it is shading of water bottoms, and some of them  
13 do drive pilings down to hold those floating docks in  
14 place.

15 COMMISSIONER GOLLOTT: What section is this in?  
16 Can you give us a law, or a regulation, where  
17 the floating docks are permitted?

18 CHRIS PICKERING: Well, it's in the General  
19 Permit Guidelines.

20 COMMISSIONER GOLLOTT: Is it something we  
21 regulate, general permitting?

22 CHRIS PICKERING: Well, we issue General Permits  
23 on behalf of our agency, the Corps of Engineers, and DEQ.  
24 Those are all guidelines that have been agreed upon by all  
25 those agencies.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 COMMISSIONER GOLLOTT: What part of your fine is  
2 for the floating dock?

3 COMMISSIONER BOSARGE: Two hundred dollars.

4 CHRIS PICKERING: Yes, two hundred dollars for  
5 the two floating docks.

6 COMMISSIONER GOLLOTT: And we issue him a  
7 permit, or not?

8 COMMISSIONER BOSARGE: We do.

9 CHRIS PICKERING: Yes. We are recommending he  
10 keep everything he has because we would have issued a  
11 permit had they come in and asked for it.

12 COMMISSIONER HAVARD: Since then, have they  
13 asked for an after-the-fact permit?

14 CHRIS PICKERING: Yes, sir.

15 COMMISSIONER BOSARGE: I'll make a motion that  
16 we accept the staff's recommendations and set the fines as  
17 you stated, five hundred dollars and two hundred dollars.

18 CHRIS PICKERING: I haven't gone over the  
19 decision factors. If y'all want me to go over them, I  
20 can.

21 COMMISSIONER GOLLOTT: It's not necessary.  
22 We have a motion.

23 Do we have a second?

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

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 COMMISSIONER GOLLOTT: We have a motion and a  
2 second.

3 All those in favor say aye.

4 (All in favor.)

5 COMMISSIONER GOLLOTT: Opposed?

6 (None opposed.)

7 COMMISSIONER GOLLOTT: Motion carries.

8 CHRIS PICKERING: Next up is a request for an  
9 after-the-fact waiver, plus modification, by Mr. S. E.  
10 Mallette, DMR Number 170017. It is located on Bluff Creek  
11 at 4400 Twisted Run Lane in Vancleave, Jackson County,  
12 Mississippi.

13 It's in the General Use District and, again, the  
14 agent is Parneil Construction Company of Jackson County,  
15 Mississippi, LLC?

16 There were two previous permits by two previous  
17 landowners for a bulkhead seventy feet. This permit was  
18 issued in April of 2009. There was another permit issued  
19 to another landowner for a bulkhead one hundred feet in  
20 length, in August of 2011.

21 Currently existing, there is a bulkhead one  
22 hundred and ninety-eight feet, a pier ninety-eight by  
23 eleven feet, a pier forty-two by ten feet, a covered pier  
24 thirty-three by six feet, a pier twenty feet by five and a  
25 half feet, a triangular pier twelve by ten feet, and a

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 boathouse thirty-two and a half by twelve feet. The total  
2 shading for all these structures is currently two thousand  
3 two hundred and fifty-six square feet.

4 The owner now is proposing to remove a section  
5 of the pier twenty-five feet by eleven feet to bring the  
6 total shading down to one thousand nine hundred and  
7 eighty-one square feet. This would bring it under the  
8 precedent that was set before.

9 Here's an aerial. You have I-10, Highway 57 and  
10 Bluff Creek.

11 Here's a zoomed-in aerial.

12 This is basically the structures that were put  
13 there by the contractor, and, then, the landowner went in  
14 and put in the covered areas afterward.

15 Here's a diagram. This was all put in by the  
16 contractor, except the covered area here and the covered  
17 area here was put by the landowner, and this is the  
18 section of pier they are proposing to remove.

19 Here are pictures of the boathouse and piers.

20 On April 7, 2009, a General Permit was issued  
21 for seventy feet of bulkhead at 4357 Twisted Run Lane to  
22 the previous landowner.

23 On August 23, 2011, another General Permit was  
24 issued for one hundred feet of bulkhead at 4400 Twisted  
25 Run Lane to the previous landowner.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



# Commission on Marine Resources

97

99

On July 14, 2016, staff received an application for three piers and a boat ramp from Mr. S. E. Mallette who is the new landowner at the lots listed above.

On August 17, 2016, a site visit revealed multiple structures had been constructed without a permit.

On August 23, 2016, staff notified Mr. Mallette and his agent of the violation and that they must submit an after-the-fact application for the existing structures and any proposed structures. Mr. Mallette sent staff a letter explaining he constructed the covered areas, but Mr. Parnell constructed the piers.

On August 29, 2016, staff received the after-the-fact permit application for all the existing structures.

On September 19, 2016, staff received a request from the applicant to withdraw the application for the three piers and a boat ramp.

The applicant had previously come in and applied for these three piers and a boat ramp. We went out and did the site visit and realized he had all these other structures that were not permitted. Now, he asked to withdrawn that application. He just wants to get everything that he has authorized, basically.

Staff has conducted a thorough evaluation and because a Certificate of Waiver would have been issued,

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

98

had an application been submitted prior to completing the structures, recommends that the Commission approve the applicant's request for after-the-fact authorization.

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

The violation was discovered on August 17, 2016, lasted thirteen days, and the maximum potential fine is six thousand five hundred dollars.

Staff has recommended a fine be issued to Parnell Construction Company of Jackson County, Mississippi, LLC, in the amount of fifteen hundred dollars, and a fine be issued to Mr. S. E. Mallette in the amount of five hundred dollars.

Again, we ask that both of these fines be paid within ninety days, or they will be forwarded to the Attorney General's office for further action.

The decision factors. The agent constructed the piers without a permit for any structures. The agent is familiar with the permitting process.

The applicant constructed the covered areas and said he was under the assumption that he was working within the laws. Mr. Mallette says he was informed by Mr. Parnell that there was a permit open for the site.

There was one permit that was still valid for

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

one of those lots for a bulkhead of one hundred feet, but that's all it was, just the bulkhead and no other structures.

COMMISSIONER HAVARD: I would like to make a motion that we go with the staff's recommendations.

COMMISSIONER BOSARGE: Is Mr. Mallette, or Mr. Parnell --

CHRIS PICKERING: (Interposing) Mr. Mallette is here. I'm not sure if Mr. Parnell is here, or not.

COMMISSIONER BOSARGE: Do they care to say anything?

S. E. MALLETTE: No.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER HARMON: I'll second that motion, 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.

CHRIS PICKERING: Thank you.

COMMISSIONER GOLLOTT: Thank you, Chris.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

100

Next is Jennifer Wilder.

JENNIFER WILDER: Good afternoon. I'm here to present a Petition for Reconsideration for William Floyd Seal, Jr.

Last month you saw the violation and after-the-fact request for Mr. Seal's bulkheads and issued him a fine.

The location is 1109 Stanfield Point Road, Gautier, in Jackson County.

The violation was discovered on May 12, 2015.

Mr. Seal was notified, by the Commission by telephone on August 31<sup>st</sup>, by mail September 13<sup>th</sup>, and told us that he would be attending last month's Commission meeting.

At the September Commission meeting, the Commission issued an After-the-Fact General Permit for the two bulkheads that he constructed without a permit, and because he had had two previous violations for doing the same thing that this violation entailed, he was fined seven thousand dollars. Mr. Seal did not attend the Commission meeting.

On September 20<sup>th</sup>, DMR staff contacted Mr. Seal and told him about the Commission's decision.

On September 21<sup>st</sup>, the After-the-Fact General Permit was issued, and the procedure to appeal a

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

October 18, 2016

Commission decision was attached and informed Mr. Seal that the deadline was October 4, 2016.

On October 4, 2016, the Petition for Reconsideration was received.

On October 10<sup>th</sup>, a certified letter was sent to Mr. Seal. It was signed for on October 12<sup>th</sup>.

On October 13<sup>th</sup>, DMR staff emailed Mr. Seal to reiterate that the meeting was here in Hancock County today.

These are two pictures of the bulkheads. The one on the left is constructed on a manmade canal, and he received an after-the-fact permit for that previously in 2003.

The one on the right is a bulkhead that was constructed without a permit, but it was the first time for this violation.

The after-the-fact authorization was for two bulkheads, and we have been through that.

The violation was based on the fact that he had had two previous violations in the same locations. He had not had the permits. He had been turned in for that and had been dealt with after the fact, so the Commission fined him seven thousand dollars.

COMMISSIONER HAVARD: Excuse me, Jennifer. What is the time frame on those previous

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

violations?

JENNIFER WILDER: One was in 2003. The other was in 2009.

COMMISSIONER HAVARD: So some time ago?

JENNIFER WILDER: Yes, sir.

On October 5, 2016, Mr. Floyd Seal filed a Petition for Reconsideration.

This is a copy of the letter that he sent (indicating slide).

Title 22 Part 15 deals with the law that addresses how a Commission decision can be reconsidered.

Chapter 2 107.03 requires that the Petition shall state specifically the points of law, or facts, which the party requesting the reconsideration believes the Commission overlooked, or misapprehended.

Mr. Seal, in his letter, apologizes for missing the September meeting and asks if he could have the opportunity to speak.

At this point, the Commission has four choices based on the law.

You can make a final disposition of the Petition, by either granting, or denying, the requested action without further argument.

You can request a response from DMR.

You can set the matter for an evidentiary

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

hearing.

You can make further order as deemed appropriate under the circumstances.

COMMISSIONER GOLLOTT: Is Mr. Seal here?

JENNIFER WILDER: He is.

COMMISSIONER GOLLOTT: Would he like to speak?

WILLIAM FLOYD SEAL, JR.: Yes, sir.

Thank you, and I apologize for missing that meeting. I'm not one of those people who blames everything on my wife, but she said don't miss it. It's on a Thursday, and she reminded me on a Wednesday.

I called Jennifer to see if there is anything I need to bring, and she said, "No. The meeting was yesterday."

I said, "Well, what happened?"

She said, "Well, as you know, we are going to allow you to keep the bulkheads, but the Commission decided to issue you a seven thousand dollar fine."

And I said, "What? A seven thousand dollar fine?"

She said, "Yes. That's because you have been a repeat offender."

I asked what were my options, and I had the opportunity to come before you today, and I did pull the public records because I didn't know what this repeat

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

offender business is about, and let me explain to you.

I own four hundred feet on the Pascagoula River. It was formally Old Oak Marina. I purchased it in 1999. I've got some key slots and some boat stalls. It was in bad shape after the storm. I bought it from Mr. Robert Savell, and he had acquired the permits to do the key slots, so I put the bulkhead in, in 2000.

In 2003, I had the DMR down to request -- find out what I had to do to repair a piece that I still haven't repaired that is in bad shape.

And they said, "Well, when did you put this in?"

I said, "In 2000."

I had to go before the Commission. That was in 2003. I guess the Commission. Back then, it was two, or three, of us sitting around a conference table, and I was guilty of not having a permit in my name because evidently when you get a permit from the DMR, it does not transfer if the property is sold.

They said, "Okay. You owe fifty dollars", and that was the first offense.

The second offense we're talking about is what ticks me off about this. I'm seeing this first guy, he has a seventeen five minimum fine, and y'all give him five hundred and two hundred.

Let's get to my second offense. It's not even

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



1 on my property. It's on my neighbor's property, but his  
2 land is washing away.

3 And he said, "Can you get me some dirt?"

4 I called Shane Langford. He brought in eight  
5 loads of dirt. He put it too close to the water, and,  
6 then, he didn't spread it and he didn't put a curtain out.

7 I'm on a busy river. I'm going to tell you I'm  
8 under a microscope. Somebody comes by, reports it, comes  
9 down. I don't remember who it was, but it wasn't anything  
10 written up. He put a sign up.

11 I called. I said, "What's the problem?"

12 It wasn't even my land, but I'm the one written  
13 up for it.

14 I said, "Not a problem." I removed it. I  
15 immediately brought it to my car lot. I handled this for  
16 my neighbor, so I took responsibility, but there was no  
17 ticket, no citation.

18 Those are the two previous things. I wanted to  
19 get that out of the way because I don't like my name like  
20 I'm out here doing something wrong all the time. I've got  
21 a thousand feet of waterfront.

22 Everything I've done, by the way -- whether  
23 it's legal, or not, everything I've done has improved the  
24 property.

25 Let's get to the violation that I did do, and

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 that's the one she showed you there that was the same one  
2 in 2000.

3 Let me tell you how that happened. I'm going to  
4 get to the one that I do not think that I violated the law  
5 on. I'm going to get to it last, and I've got pictures.  
6 I'm going to give them to you in a minute, but I don't  
7 want you looking at them. I want to talk a little bit.

8 The ninety foot, we were wrong. Here's what I  
9 did. I had Stevie Register and Ricky Register who own a  
10 reputable company -- I don't think y'all see them here  
11 much for violations. I had them come to my house. I  
12 said, "Can we build this bulkhead on land?" This is on  
13 the first one.

14 They said, "Yes."

15 So we did. That's a sixty-foot wall in front of  
16 my house.

17 When we got through, one of the older bulkheads  
18 that I had done back in 2000 had a broke piling. It was  
19 caving in. I said, "Will you replace that piling?"

20 He said, "I'll do it for free, since I'm here."

21 He pulled his barge around, pulled the piling up  
22 and, when he did, ten foot of wall collapsed on each side.

23 He knew he had to have a permit. I didn't, and  
24 he will tell you that. I've got his phone number. He  
25 told me to give you his cell number, if you want to verify

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 any of this.

2 He fixed it. He said, "It's easier just to  
3 replace this ninety foot."

4 I was replacing an existing bulkhead, if you  
5 want to call that a big grievous violation. I did that.

6 The next thing I know the DMR is down and  
7 wanting to why there are no permits.

8 Now, I can understand to a certain extent why  
9 Ms. Wilder thought that I had put this bulkhead in front  
10 of my house in the wrong area because, when she got there  
11 some months later -- let me just briefly tell you on the  
12 Pascagoula River -- you know this, Steve -- in the  
13 wintertime, my sandbar goes out twenty to thirty feet.  
14 I'm paying taxes further, but I understand I don't have  
15 any control over that.

16 Then, in the summertime, especially with the  
17 increase of traffic, it's not uncommon for me to look at  
18 ten, or twelve, boats in front of my house. I'm one mile  
19 north of I-10 on the West Pascagoula River. That sandbar  
20 just goes and goes and goes.

21 I caught it after the winter, when the bar was  
22 out, and I went just enough to prevent my house from going  
23 in the river. I really built my house too close to the  
24 river, but I can't move it, and it's a two-foot wall.

25 I can guarantee you Stevie and Rickey Register

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 would not go and do a job that didn't cost me much more  
2 than this fine is and violate, or jeopardize, their  
3 relationship with this Commission. They are not going to  
4 do that.

5 He sent an Affidavit, and I know Ray Carter has  
6 looked at it, and I saw that on public records. They were  
7 inconclusive as to whether we violated tidelands, but I'll  
8 tell you this. When you've got a sandbar and you put a  
9 wall up -- I'm going to show you pictures where I'm  
10 anywhere from two to five feet -- you can see the  
11 waterline and you can see where I put the bulkhead up. I  
12 was on dry land.

13 When you start that spring traffic and you have  
14 a high tide, or two, and, now, you've got a wall. Instead  
15 of the sandbar coming and looking up and going back,  
16 you've got a wall, it looks like, on part of it. I can  
17 understand that.

18 I felt like I had the documentation, but I think  
19 we were cool on all that, but I think the seven thousand  
20 dollar fine is crazy, especially based on the two fines I  
21 have seen this morning.

22 I want to submit these pictures.

23 JENNIFER WILDER: Mr. Seal.

24 WILLIAM FLOYD SEAL, JR.: Yes.

25 JENNIFER WILDER: I'm not telling you not to do

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

# Commission on Marine Resources

109

1 that, but we didn't present this to them because it was  
2 inconclusive. They did not base your fine on this at all.

3 WILLIAM FLOYD SEAL, JR.: They based it on the  
4 repeat offense. That's what you said.

5 (Photographs handed to Commissioner Gollott by  
6 William Floyd Seal, Jr.)

7 JENNIFER WILDER: Yes, sir, but you built a  
8 bulkhead without a permit. That was the offense.

9 what he's telling you is initially when I went  
10 out there -- and I was the first permitter out there -- we  
11 thought perhaps that his bulkhead had actually been built  
12 in the Pascagoula River claiming about twenty feet of  
13 water bottoms.

14 WILLIAM FLOYD SEAL, JR.: The bulkhead is only  
15 ten foot from my house, so I couldn't have claimed twenty  
16 foot of loss.

17 JENNIFER WILDER: Then, I misspoke and it was  
18 ten feet, Mr. Seal. My apologies.

19 I'm just trying to explain because we didn't  
20 present this to them. We did not try and fine you based  
21 on this because it was inconclusive.

22 WILLIAM FLOYD SEAL, JR.: I understand.

23 JENNIFER WILDER: We spent a year checking into  
24 it, and he supplied us with pictures. We had different  
25 people submit affidavits. The Secretary of State's office

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

110

1 was involved. It was inconclusive. We couldn't tell if  
2 he reclaimed water bottoms, so I did not present that to  
3 you because, obviously, we are not going to ask you to  
4 base a fine on the facts, if we don't know for sure.

5 WILLIAM FLOYD SEAL, JR.: But what you did  
6 present today, you said he was guilty of two earlier  
7 violations, implying building a bulkhead, like I just come  
8 out here and decided to build a bulkhead.

9 JENNIFER WILDER: You built it without a permit.  
10 That's the violation.

11 WILLIAM FLOYD SEAL, JR.: I still contend there  
12 is not a violation on that front wall. The pictures are  
13 there. We have shown the evidence.

14 JENNIFER WILDER: But you didn't have a permit  
15 for it.

16 Do you see what I'm saying?

17 WILLIAM FLOYD SEAL, JR.: Do you need a permit  
18 from the DMR to build a bulkhead on dry land?

19 JENNIFER WILDER: You do, if it is considered  
20 wetlands.

21 WILLIAM FLOYD SEAL, JR.: How can it be  
22 wetlands?

23 It's a sandbar.

24 JENNIFER WILDER: Hancock County beach is  
25 wetlands.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

111

1 JAMIE MILLER: Sean, why don't you step in here?

2 I think we are arguing about something that has  
3 not previously been discussed.

4 SEAN MORRISON: Yes.

5 WILLA BRANTLEY: My name is Willa Brantley. I  
6 would like to address whether he needed the permit, or  
7 not, for the bulkhead.

8 If you look at the picture, it does touch the  
9 water at times in the tidal cycle and, because of that, it  
10 is a regulated activity and he did need a permit.

11 If you build a bulkhead completely on dry land  
12 where the tide never touches it and it doesn't impact any  
13 non-tidal wetlands, that's the point where you don't need  
14 a permit.

15 COMMISSIONER GOLLOTT: Willa, do we have the  
16 right to reconsider the fine?

17 WILLA BRANTLEY: Yes, you do.

18 COMMISSIONER GOLLOTT: Let us go there, sir.

19 WILLIAM FLOYD SEAL, JR.: I want to concede to  
20 what she is saying. There is a part of the bulkhead, but  
21 I still think the fine is extreme and I'm not a repeat  
22 offender.

23 COMMISSIONER GOLLOTT: We are going to address  
24 the fine, but you are guilty of what she is saying?

25 WILLIAM FLOYD SEAL, JR.: Yes, sir.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

112

1 COMMISSIONER GOLLOTT: Do we have a  
2 recommendation from any of our Commissioners?

3 COMMISSIONER HAVARD: Yes. I would like to  
4 recommend that we reduce the fine charged to Mr. Seal. I  
5 think twenty-five hundred dollars would be sufficient.

6 COMMISSIONER GOLLOTT: Do we have anybody else  
7 who wants to comment on it, or anything?

8 COMMISSIONER BOSARGE: I don't have any  
9 comments, but I will second his motion.

10 COMMISSIONER GOLLOTT: We have a motion and a  
11 second.

12 Anybody else want to say anything?  
13 (No response.)

14 COMMISSIONER GOLLOTT: If not, all those in  
15 favor say aye.

16 (All in favor.)

17 COMMISSIONER GOLLOTT: Opposed?

18 (None opposed.)

19 COMMISSIONER GOLLOTT: Motion carries. Twenty-  
20 five hundred.

21 WILLA BRANTLEY: Thank you.

22 COMMISSIONER GOLLOTT: Next we've got George  
23 Ramseur.

24 RHONDA PRICE: I'm not George. I'm Rhonda  
25 Price.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



Good afternoon Commissioners, Director Miller, Mr. Morrison.

Welcome Commissioner Trapani.

COMMISSIONER TRAPANI: Thank you.

RHONDA PRICE: Today I am going to give a brief update on the Gulf Coast National Heritage Area.

Some of you may be familiar with the Heritage Area. It was congressionally designated, in 2004. What it means to be a National Heritage Area is that we are promoting conserving our history in this National landscape area that is significant. For us, that significance is the six coastal counties.

Over the last ten years, we didn't have an official designation of the area because Hurricane Katrina hit. On the tenth anniversary, we reevaluated the program, saw where maybe we could do some improvements, modernize it a little bit, and that's when we decided starting a new branding and getting it back to its roots for economic development, helping give back to the community in this effort to conserve and promote our cultural heritage. That's what we did.

We reformed a nature-based task force that's about twenty task force members made up of nonprofits, businesses, State agencies and universities. This task force was able to put together a nature-based management

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

plan for tourism.

On October the 6<sup>th</sup>, we relaunched our Gulf Coast Heritage Area, with the help of Governor Bryant, Senator Wicker and Secretary Hosemann.

Secretary Hosemann released this management plan for nature-based tourism which we hope will be just that first building block in creating a stable business atmosphere for nature-based tourism. That's our blue ways, our trails, our coastal preserves. We talked about Deer Island.

It was very impressive to see three of our leaders come out and support such a worthwhile cause.

Today, I'm going to briefly show -- this is the startup of what the website looks like. I encourage you to go to the website. I think there's a news letter that was in you packet. As part of the website, we created a video, and this video is basically a virtual tour of your Gulf Coast National Heritage Area. Walt Grayson was nice enough to voice this virtual tour for us, and we are going to play it for you, now.

(Viewing of video.)

RHONDA PRICE: Historically innovative and naturally flavorful, that is our new Gulf Coast National Heritage Area.

Any questions?

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

COMMISSIONER BOSARGE: The Audubon Center in Moss Point, is it part of this National Heritage Area?

RHONDA PRICE: Yes, sir, six coastal counties.

COMMISSIONER BOSARGE: They have done a lot of work. It's really a nice place to visit.

RHONDA PRICE: It is, and Mark LaSalle was part of our nature-based task force.

Thank y'all.

COMMISSIONER GOLLOTT: Thank you.

Next up we have Kacey Williams, Finance.

KACEY WILLIAMS: Good afternoon Commissioners, Director Miller, Mr. Morrison.

Welcome Ms. Trapani, on behalf of the Finance Office.

COMMISSIONER TRAPANI: Thank you.

KACEY WILLIAMS: These are the financial results as of September 30<sup>th</sup>, 2016.

At the end of September, our State revenue was seven million dollars, and our Agency revenue was ten point six million.

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

We are in good shape. After three months of this fiscal year, we have eighty-eight point seven percent

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

of our Operating funds and eighty-three point two percent of our Tidelands funds.

Any questions?

(No response.)

KACEY WILLIAMS: Thank you.

COMMISSIONER GOLLOTT: Thank you.

Next is Sonja Slater.

SONJA SLATER: I'm Sonja Slater, Tidelands Coordinator. I'm just going to go over with you the applications that we received for the 2018 Tidelands proposals.

Our Tidelands Trust funds are split between managed projects and public access projects.

Ms. Trapani, if you need any extra information on Tidelands, you are welcome to call me, if any of this doesn't make any sense to you. They have all heard it before.

COMMISSIONER TRAPANI: Thank you.

SONJA SLATER: Typically, we get around nine point seven million dollars appropriated in Tidelands Fund annually. Last year we were appropriated nine point seven, but our check that we received was only seven point eight, so we had to reduce some of the appropriations to be able to meet the amount of check we received.

This year, we have not received our check for

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 2017. We were appropriated nine point seven, but the  
2 check has not been received yet, so we're not sure what  
3 exactly we are going to have to do, when that comes in.

4 We have the same schedule for our 2019  
5 applications as we did for our 2018 applications. We will  
6 start accepting them in May, and July will be the deadline  
7 for submitting them. In August, we will have our reviews.  
8 We will do a merit review, in September and October. In  
9 November, we will submit the rankings to the Commission.  
10 In December, we have our legislative forum. In January,  
11 the projects go to the legislature.

12 Normally, in April, we get our appropriation  
13 bill and, normally, in November, or December, we get our  
14 check.

15 We received a hundred and forty-two applications  
16 for Tidelands for a total of fifty-six million in funding  
17 for 2018. Sixty-eight of those were Public Access  
18 Projects for a total of thirty-eight million, and seventy-  
19 four of them were managed projects for a total of  
20 seventeen million.

21 Under the Public Access Projects, we had forty  
22 submitted by our cities for a total of twenty-five  
23 million; thirteen were submitted by our counties, our  
24 Board of Supervisors, for a total of five million; and we  
25 had some miscellaneous nonprofits that submitted fifteen

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 applications for a total of six million.

2 Under our Managed Projects, twenty-six were  
3 submitted by the MDMR for a total of five million; thirty  
4 were submitted by the universities, USM, Mississippi  
5 State, Mississippi Gulf Coast Community College, for a  
6 total of seven million; and, then, we had some nonprofit  
7 organizations submit eighteen applications for a total of  
8 five million.

9 Once again, we were appropriated nine point  
10 seven million for 2017, but we have not received that  
11 check as of yet.

12 This is the breakdown of the Public Access  
13 projects by city. It gives you the number of projects  
14 that each city submitted, along with the total they  
15 submitted for. We have a total of forty projects  
16 submitted for a total of twenty-five million.

17 This is what was submitted by our Board of  
18 Supervisors for 2018. Jackson County submitted three  
19 applications for a total of eight hundred and thirty-three  
20 thousand; Hancock County submitted four applications for a  
21 total of one million; and Harrison County submitted six  
22 applications for a total of four million.

23 The Miscellaneous projects that were submitted  
24 under the Public Access, we had fifteen miscellaneous  
25 projects for a total of six million dollars.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 As you can see, those miscellaneous projects  
2 vary between nonprofits and for-profit agencies. One of  
3 them is an MDMR project, and there are some Hancock County  
4 Water and Sewer District projects in there.

5 In 2018, our Managed Projects, we had eighteen  
6 miscellaneous projects; we had twenty-six MDMR projects;  
7 and thirty university projects for a total of seventeen  
8 million requested for Managed Projects for 2018.

9 In our 2017 Public Access Projects, as stated  
10 earlier, we have not received the award yet, but, in the  
11 House Bill 1657, there were projects that were awarded for  
12 the Public Access Projects, and these are those projects.

13 There were seven awarded to the Board of  
14 Supervisors for a total of one point five million; two  
15 miscellaneous projects for a total of four hundred and  
16 five thousand; and thirteen city projects for a total of  
17 two point seven million.

18 None of those projects have received an award,  
19 or a grant agreement, from DMR at this time because we are  
20 still waiting for the check to come in.

21 Our Managed Projects, typically these are  
22 decided after the House Bill is received. We have gone  
23 through our Managed Projects, we have made this decision,  
24 but it is on hold until we receive the check, and it could  
25 change once the check comes in.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 Basically, where we are, at this time, is  
2 awarding seventeen university projects at a total of one  
3 point one million; eighteen MDMR projects at a total of  
4 two point two million; and fourteen miscellaneous projects  
5 for two hundred and eighty thousand, but, again, we have  
6 not received that check.

7 Do you have any questions?

8 COMMISSIONER BOSARGE: Could you give us an  
9 example of an MDMR project?

10 SONJA SLATER: An example of an MDMR project?

11 COMMISSIONER BOSARGE: 'Yes.

12 SONJA SLATER: It would be any of the research  
13 projects that the Marine Fisheries do. We have a public  
14 access MDMR project out there that was submitted for 2018  
15 that was to improve the waterfront in front of the Bolton  
16 Building. They range, but, mainly, they are research  
17 projects.

18 JAMIE MILLER: Mention the match, Sonja. There  
19 is a significant part of Tidelands that goes to match  
20 other Federal programs.

21 SONJA SLATER: The Grand Bay NERR. Mississippi  
22 National Heritage. We fund our aquaculture through the  
23 Tidelands funding, but we do have grants that Marine  
24 Fisheries and other departments apply for that require a  
25 ten percent match, or a thirty percent match, and they use

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788



1 the Tidelands funding as that match to be able to get  
2 those grants.

3 COMMISSIONER BOSARGE: Do you see maybe in the  
4 future some of this restoration money that is coming down  
5 might take a little pressure off?

6 SONJA SLATER: I would hope so, but that would  
7 be a Director's decision.

8 COMMISSIONER BOSARGE: I hope so anyway. Thank  
9 you.

10 SONJA SLATER: Any other questions?

11 (No response.)

12 COMMISSIONER GOLLOTT: Thank you, Sonja.  
13 Ms. Melissa.

14 MELISSA SCALLAN: Good afternoon Commissioners,  
15 Director Miller and Mr. Morrison.

16 We would like to also welcome our new  
17 Commissioner, Ms. Trapani. If there is anything we can do  
18 to help you, let us know.

19 COMMISSIONER TRAPANI: Thank you.

20 MELISSA SCALLAN: The agency was mentioned  
21 fifty-four times in local, state and national media, since  
22 the last Commission meeting.

23 Some of the items that people are most  
24 interested in are going to be the same ones as this month,  
25 speckled trout and oyster season.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 National Heritage Area got some good press, as  
2 well as the appointment of our new Commissioner.

3 We have participated in quite a few events in  
4 the last month; Anchor Fest in Gulfport and the Mullet  
5 Festival in Gautier. We were at Champagne and Shellfish.  
6 Saw Commissioner Gollott there on Saturday. Had a good  
7 turnout for that. We are also at the Jackson County Fair  
8 this week, and, in November, our chef that won the Great  
9 American Seafood Cookoff will be participating in the  
10 World Food Championship in Alabama. We hope he does well  
11 there.

12 Marine Patrol had one boat-and-water safety  
13 class in September, and five students were certified. So  
14 far in the fiscal year, Marine Patrol has taught eight  
15 classes and certified sixty-one students.

16 Any questions?

17 (No response.)

18 MELISSA SCALLAN: Thanks.

19 COMMISSIONER GOLLOTT: Thank you, Melissa.

20 Is there any other business to come before this  
21 Commission?

22 (No response.)

23 COMMISSIONER GOLLOTT: If not, do I have a  
24 motion to adjourn?

25 CHRIS LEGARDE: Richard, what about public

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 comment?

2 COMMISSIONER GOLLOTT: I thought you had already  
3 commented -- I'm sorry about that. Come on up.

4 CHRIS LEGARDE: I know everybody is hungry and  
5 ready to go home.

6 Three things. One, if I was going to fill some  
7 wetlands, I wouldn't ask permission. I would just ask  
8 forgiveness.

9 I don't come to every meeting, but it seems to  
10 me that we keep allowing these after-the-fact permits, and  
11 the word must be out there, just build it into the cost of  
12 your project. You will eventually get the permit and you  
13 will pay a fine, but it's a lot easier than asking.

14 We lose out on that. The State loses out, and I  
15 can only imagine how these guys and girls who are going  
16 out regulating must feel, when they do the best they can,  
17 and, then, we saw what happened today.

18 Number two. Tidelands, I couldn't really hear  
19 much, but I understand Hancock County wants to pull all  
20 the pilings up along the beaches in Hancock County.

21 Now, if it's a hazard to navigation, I  
22 understand it, but, if it's an old pier that a private  
23 landowner put there, leave them be. We don't need to be  
24 spending Tidelands money pulling up private piers. Plus,  
25 what are you going to tell the pelicans and the terns and

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

1 the seagulls.

2 I don't know if you know, but, if you look at a  
3 calendar, you will see invariably a bunch of old pilings  
4 with pelicans on them.

5 With all the issues that we've got going on, to  
6 spend Tidelands money to pull up pilings just seems to be  
7 a travesty to me.

8 Then, the other thing is you know we've got DEQ  
9 finally saying "Do Not Swim in the water", yet we've got  
10 oyster season open.

11 I know there are some differences between what  
12 is going on, but it's not lost on me that here we are. We  
13 are finally telling the people. I guess, we are now  
14 telling people don't swim in the water because all the  
15 tourists have gone home, and they are saying the sediment  
16 is stirred up.

17 I just wanted to point that out to make sure  
18 that y'all connect those dots. Thank you so much.

19 COMMISSIONER GOLLOTT: Thank you.

20 JAMIE MILLER: Chairman, I neglected to bring up  
21 one business item. Our time of the year to go to Jackson  
22 County is actually November, and we have scheduled to be  
23 there, if y'all will make a motion to move the meeting to  
24 Jackson County.

25 COMMISSIONER BOSARGE: I'll make that motion.

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

where in Jackson County?

JAMIE MILLER: The Jackson County Board of Supervisors at the complex in Pascagoula.

COMMISSIONER BOSARGE: I'll make the motion that we have our regular scheduled November meeting at the Jackson County Board of Supervisors boardroom.

JAMIE MILLER: At 10:00 a.m.

COMMISSIONER BOSARGE: At 10:00 a.m.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER TRAPANI: I'll second the motion.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Can I get a motion to adjourn?

COMMISSIONER HARMON: Mr. Chairman, I would like to make a motion we adjourn this meeting.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER BOSARGE: So seconded.

COMMISSIONER GOLLOTT: All those in favor say

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788

aye.

(All in favor.)

COMMISSIONER GOLLOTT: Adjourned.

(Whereupon, at 1:15 o'clock, p.m., the October 18, 2016, meeting of the Commission on Marine Resources was concluded.)

C E R T I F I C A T E

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the October 18, 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.

COURT REPORTER

Lucille Morgan, CSR 1251  
COURT REPORTER  
(228) 396-8788