Now we need approval of the minutes for September the 30th.
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 HAYARD: I'll second that.
COMMISSIONER GOLLOTT: We have a motion and a second.
I knew there was 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
table 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,
know her. Jamie Miller knew her. The DNR got to meet
her, and no one said, hey, maybe we'll give a ring to a
couple of the environmental groups like the 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

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.

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 actually is the way it goes maybe, but I 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.
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 Rosegar 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 1st 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 two, 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 you 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.

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 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 1st to June 11th for all private recreational anglers, and our Federal For-Wire fleet fished from June 11th to July 16th, and our State Season ran from May 27th to September 5th.

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.

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

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

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

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

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

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

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

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

I will be happy to answer any questions.

COMMISSIONER BOSANGE: I have one question. If you could go back a couple of slides where you actually show the primary Tails n’ Scales adjusted results?

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

CARLY SOMERSET: Yes, sir, everything.

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

CARLY SOMERSET: Number of pounds harvested?

COMMISSIONER BOSANGE: Correct. Yes.

CARLY SOMERSET: I can get that to you. I can break it up. We are still working on getting our expired trips closed out because I want everything in the system,
since the season just closed. As soon as everything is completed, I can certainly get that for you.

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

CARLY SOMERSET: It is.

COMMISSIONER ROSSJAGE: That's good. Thank you.

CARLY SOMERSET: Thank you.

JUNE JEWELL: Thank you, Carly.

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

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

As the Commission may recall, the Commission passed a notice of intent on September the 22nd. The DNR published the notification on our web page on September the 21st. We published a legal notice in the Sun Herald on September the 21st.

The public comment period was September the 22nd through October the 27th. To date, we have received no public comments.

I'm going to briefly read into the public record the proposed changes. Title 22 Part 13 in Chapter 2, Section 104, Mississippi Code Annotated Section 49-33-27, as amended, grants the Mississippi Commission on Marine Resources authority to lease bottoms.

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

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

Section 100.04.01:

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

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

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

COMMISSIONER ROSSJAGE: I'll second the motion.

COMMISSIONER GOLLOTT: We have a motion and a
Today we have thirty-nine boats out at the Pass. I believe about nine, or ten, of those are tonders. There are forty-six boats out at Bayou Caddy on the St. Joe Reef area, and I believe those are all going to be dredgers. A total of eighty-five boats are out today. This is showing the oyster harvest by area and gear type. The red is going to be the dredging, and the green is going to be the tonging. You can see very predominantly Area I"B", seventeen thousand one hundred and forty-seven sacks. That's the St. Joe Reef area. That is where almost entirely all of the oysters have come from.

Area II"B" includes the St. Stanislaus Reef. That is a tonging area. That is where all of the tonders are going, right now.

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

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

For 26", which is the very last one, those oysters came from the Pass Marianne Reef. We had a boat that spent a day out there, and, actually, that's not one entire sack. That was about two dozen oysters. This seventeen thousand one hundred and forty-seven sacks off of the Area I"B", that comprises about eighty-four percent of the market oysters that we had initially estimated.

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

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

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

Just out of this one small area over seventeen thousand sacks (indicating map). This entire area is Area II"B". Here's the St. Stanislaus Reef area and that is where the tonders are going, right now. Fifty-four sacks.

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

Area II"A" within the mile off of Pass Christian...
the sacks of oysters may then be unloaded from the vessel.

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

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

Is that correct, or not?

SCOTT GORDON: I'm not certain of that.

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

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

COMMISSIONER BOSARGE: That's what I thought.

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

COMMISSIONER BOSARGE: All right.

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

We are going to open Biloxi Bay, and there are a lot of areas in the Biloxi bay area that we don't know there are oysters there, and I'm sure these fishermen are going to find a lot of this area, especially down around the mouth of Davis Bayou.

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

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

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

Right?

SCOTT GORDON: Just the Biloxi Bay Conditionally approved waters. That would be inside of deer island. 

COMMISSIONER GOLLOTT: I understand that.

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

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

Right?

SCOTT GORDON: Yes, sir.

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

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

Do you have any input on this?

SCOTT GORDON: Well, I think, if you look at our opening day this year on October 3rd, we exceeded Alabama’s total harvest on that one day.

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

COMMISSIONER GOLLOTT: Begging your pardon, I would like to stay with this Biloxi Bay, right now. Let's get this out of the way.

SCOTT GORDON: Yes, sir.

COMMISSIONER GOLLOTT: I would like to make a motion that we open, on November the 1st, the Biloxi Bay area, letting the staff designate an area, or find an area, in this area that would be satisfactory to the Federal Government that we could relay out of Passapagula, or Graveline, to increase the harvest for the season.

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

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

COMMISSIONER GOLLOTT: That's correct.

SCOTT GORDON: Yes, sir.

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

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

I'm making that motion that we open it on November the 1st, the area, and having y'all set aside an...
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 tongers?

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 tongers, 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 tongers, 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.

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trucks in and such as that.

I would like to see it stay the same as fifteen sacks per toner, 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, 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.

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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 15th.

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
Again, that was on those hard reef areas.
That's not on the entire thing. It's my understanding that most of the boats have, now, moved away from that area, and most of the boats are not getting their limit every day.

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

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

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

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

THAO VI: (Indicating.)

fishermen come to me and ask me to lower the sack limit to twenty sacks for dredging to stretch this thing out a little bit.
I would like to make a motion that we drop the dredging sack limit per day to twenty sacks per day, starting Wednesday, or Thursday.
SCOTT GORDON: If you would like my recommendation, I can give it to you.
COMMISSIONER GOLLOTT: No, I don't.
Can I get a second on that?
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?
(No opposition.)
COMMISSIONER GOLLOTT: Motion carries.
COMMISSIONER HARMON: I still want to hear your recommendation.
SCOTT GORDON: My recommendation would be that we shut down Area 1"M". We have harvested eighty-four percent of the market oysters that we had estimated to be there.
Then, the same group, after several days of not harvesting enough in Henderson Point, or Pass Marianne, they went to the St. Joe Reef.

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

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

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

Their livelihoods have been threatened, since this BP disaster.

Then, the other group I'm going to talk about are the ones that are docked in Bayou Caddy. For them to get to the St. Joe Reef, it's close and, for the most part, they are getting their sack limit, or close to the sack limit, but, when you combine it with the fishermen docked at the Pass Christian Harbor, you are getting this average of about twenty which is what Mr. Gordon just stated.

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

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

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

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

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

It seriously looks like that is grave, right now.

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

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

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

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

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

That amount of time that is in place is a Federal regulation that is administered through the ISSC and the NSSP program. That's a program that is in place that protects the public and protects the harvest of oysters.

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

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

COMMISSIONER GOLLOTT: Thank you, Joe.

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

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

THAO VU: Yes, I'm aware of that. It is a historical condition, the reef, Commissioner Gollott. However, particularly for the Vietnamese American
fishermen, they don’t have the physical ability, as I have stated through the years in my public comments, to tong. They may be able to get a tonging license, but they won’t be able to tong because they just don’t have the upper strength to tong, and they have to make changes to their boats. Those are the considerations that I think should be factored in. Thank you.

COMMISSIONER GOLLOTT: Thank you, ma’am.

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

JESSIE SCHIFALO: My name is Jessie Schifalo. I’ve been a commercial fisherman since 03, when I retired. We need to stop the oyster season, the bottom line. Finish up with St. Joe, and there is nothing else to catch out there. I appreciate Mr. Gollott who has been dealing with seafood all his life, and he is thinking with his heart, but we need to go with some scientific data. We are tearing the reef apart. What Scott Gordon said, we’re at the limit. Let’s shut it down. I don’t want it shut down, but we’ve got to have something for next year. If we keep going, we won’t.

Cutting the limit to twenty sacks, the money is the same whether it’s twenty-five, or twenty, a day. You’ve got X number of sacks you are going to let us harvest. Cutting it back is useless really. I wish y’all would think of the scientific end of this. Somebody made a comment, we can make a dollar today, but we’re going to lose two dollars next year. Let’s think about that, when we take our vote in a little while. Thank you.

COMMISSIONER GOLLOTT: Thank you. Do we have someone else?

I thought I saw someone else back there.

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

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

WILLIE HARRIS: Willie Harris. Could you bring that up, again, Biloxi Bay (indicating Joe Jowell). I used to tong this area years ago, and there are plenty of oysters where Fayard’s used to be right along here all the way up (indicating map). We moved some oysters from this area here and all over in here too, or three years ago. There is nothing, but grit. The dredgers tore it up. There are no oysters. Nothing. Just grit (indicating map).

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

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

WILLIE HARRIS: It was in the late fifties and early sixties. I was just a young man. There used to be plenty of oysters in there. I don’t know about now, but, at one time -- have you ever been to the Biloxi Museum?

COMMISSIONER GOLLOTT: Yes.

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

COMMISSIONER GOLLOTT: Yes.

WILLIE HARRIS: That was my grandpa tonging and my uncle opening right in this area here (indicating map). You go out there, now, and there is just grit where the dredge boats dredged it all out.

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

WILLIE HARRIS: If you are going to rebuild it, Pascagoula has lots of oysters and it will never be open for tonging.

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

COMMISSIONER GOLLOTT: It has.

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

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

COMMISSIONER GOLLOTT: Yes.

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

That’s the main thing I wanted to bring up.

COMMISSIONER GOLLOTT: Thank you, Mr. Harris.

WILLIE HARRIS: Thank you.

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

SCOTT GORDON: I have not calculated that. But I could point out that for St. Joe, at the thirty-five percent, if you were to apply that to that area "M", that...
is seven thousand one hundred and two sacks. We are
seventeen thousand one hundred and forty-seven sacks, now.
COMMISSIONER GOLLOTT: How many sacks do you
think is left on 187?
SCOTT GORDON: We estimated a little over twenty
thousand sacks, twenty thousand two ninety-two for market.
Where we are, right now, that's eighty-five percent of the
market oysters.
COMMISSIONER BOSARGE: I'm trying a couple of
different things.
Louisiana, when they opened on this side of the
river, the Mississippi River, I think it was open for one
day, and, then, they shut it all down.
SCOTT GORDON: I think they delayed the opening
because those waters adjacent to us, they were reporting,
I believe, last week about eighty to ninety percent
mortalities.
COMMISSIONER BOSARGE: It kind of shows you it's
just not here. It's a large area of mortality.
SCOTT GORDON: Yes, sir.
we have been fortunate with St. Joe. As I
showed you at the last meeting, DEQ had some data sondes
out that were collecting dissolved oxygen levels, and you
could see on Henderson Point, when the oxygen levels went
to zero, they stayed down to zero.

At St. Joe, they would go down to zero, and, then, you would get a tidal cycle and it would come up.
That kept those oysters alive.
COMMISSIONER BOSARGE: If we try to look just a
little bit into the future, because of the mortality
event, what does next year look like?
SCOTT GORDON: Next year looks bleak. Like I
said, St. Joe is about the only place, maybe a little bit
on St. Stanislaus, where we would have some oysters that
we would expect to grow into next year.
COMMISSIONER GOLLOTT: Is the mortality still
going on?
SCOTT GORDON: I believe the mortality event is
over.
This was the most dramatic. If you look at Pass
Marianne Reef -- this is before the mortality event -- we
estimated we had a fifty-one percent mortality, and there
should have been forty-four thousand sacks left there. At
the thirty-five percent level, that would have been over
fifteen thousand sacks to harvest.
Let me go back to this map. On Pass Marianne,
we have had one sack harvested there. In fact, like I
told you earlier, that was more like two dozen oysters.
COMMISSIONER GOLLOTT: Scott, if we close Area I

But what I would like to do is make a motion
that we let the rest of the areas go, let them fish until
the first of November.
COMMISSIONER BOSARGE: I agree.
SCOTT GORDON: For dredging?
COMMISSIONER GOLLOTT: Yes.
COMMISSIONER BOSARGE: Let's clarify this.
SCOTT GORDON: I'm not sure that I understand.
COMMISSIONER BOSARGE: Even though we know we
have no oysters on the rest of the areas, we know that --
SCOTT GORDON: (Interposing) I concede there
are oysters on the rest of the area.
COMMISSIONER BOSARGE: Pardon?
SCOTT GORDON: I concede there are oysters on
the rest of the area.
COMMISSIONER BOSARGE: Limited oysters?
SCOTT GORDON: Yes. Pockets of them.
COMMISSIONER BOSARGE: What I'm proposing and
what I see -- I think Richard and I are somewhat on the
same page.
COMMISSIONER GOLLOTT: Yes.
COMMISSIONER BOSARGE: Let's stop the harvest on
St. Joe, but let's give them the opportunity to move
around just a little bit on the other reefs for this
limited period of time, and, then, close it the first of
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'm 8", you are still going to have it open until probably the 28th 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 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 Manchac, and we had two dozen oysters come off of it.

If you eliminate that, we are past the thirty-five percent.

COMMISSIONER BOSARGE: I think most of those fishermen probably know that there are not as 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.

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: We have a motion to close --

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

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.

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'm 8" Friday of this week --

JOE JEWELL: (Interposing) I think the motion was to close Area I'm 8" this Friday, October the 21st, and to close all other areas on November the 1st, 2016, for dredging.

COMMISSIONER BOSARGE: Correct, for dredging.

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'm 8" 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'm 8" which would encompass that whole area.

COMMISSIONER GOLLOTT: Does that close the channel, too?

SCOTT GORDON: Yes, sir.

COMMISSIONER GOLLOTT: I thought I'm 8" was just the dark green areas.

SCOTT GORDON: No. I'm 8" 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 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'm 8", 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
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. We
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

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 DARNELL: 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 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 DARNELL: 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 DARNELL: 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
because trollers are eighty percent out-of-state trollers.
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 trollers 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 DARNELL: We have State boats.
Right?
COMMISSIONER GOLLOTT: One State boat.
PHILLIP DARNELL: Something needs to be done.

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 DARNELL: 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 what not, 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 DARNELL: 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 notion
that we close the whole thing this Friday, all State
waters.
COMMISSIONER HAYARD: I'll second it.
boats that are coming in.

COMMISSIONER GOLLOTT: Where are they catching the oysters?

HAROLD STRONG: Well, let me just say this:

I 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 slogging 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 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.

HAROLD STRONG: While upon, a short recess was taken.

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

Sear, 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 Golloott's motion to close Area 1B this Friday and leave the rest open until November 1st. I believe that was Mr. Rosarge?

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.
COMMISSIONER BOSARGE: Correct.

SEAN MCKINNON: Commission Gollott then made a
motion to close all areas on February 1st, 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 MCKINNON: OKAY.

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

COMMISSIONER BOSARGE: (Interposing) Not
February.

COMMISSIONER GOLLOTT: I'm sorry. Close it on
November the 1st -- and the 22nd and the 29th, 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 1st, with the exception that the two Saturdays
that remain within that period of time, those would be
days it will be closed.

LUCILLE MORGAN, CCR 1251
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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 HARRELL: 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 JEWEL: 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 JEWEL: To start off the presentation will
be Mr. Matt Hill.

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

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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 Nickle 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
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 DMR 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
mortality, F, which is currently greater than one point eight.

To do this, we would raise the recreational minimum size limit to fifteen inches for a three-year period, with the status quo bag limit of fifteen fish per person. We would prohibit for-hire captains and crew from keeping a recreational bag limit of spotted seatrout. We would also conduct updates each year, during the rebuilding, and present them to the CMR.

After the three-year period, the stock assessment panel will perform a complete stock assessment to determine the percent SPR of the spotted seatrout stock at that time.

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

If you can remember, the Commission did set a twenty percent SPR target. Right now, the Mississippi spotted seatrout stock is considered to be overfished and undergoing overfishing.

We have run a preliminary estimate for 2015 and have come up with eight point eight which says that the percent SPR is continuing to fall, at the thirteen-inch minimum size limit.

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

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

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

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

COMMISSIONER BOSARGE: I guess I would like to go over just a little bit about what you and I discussed in the modeling, when we went to the fifteen inch, just so that everybody in the audience can kind of see what I saw and what conclusions we came to.
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 MCCLURE: 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 I had a discrepancy in the 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 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 timeframe 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 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 predictible, 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
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 saw 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--

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

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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 saw 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.

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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.

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. 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.

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 is it, 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 line, 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
what is going on.

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

Thanks.

COMMISSIONER GOLLOTT: Thank you, Chris.

Ryan Bradley.

RYAN BRADLEY: Good morning Commissioners.

Welcome, Ms. Trapani.

COMMISSIONER TRAPANI: Thank you.

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

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

fifty thousand pounds is really just a drop in the bucket. It is really small.

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

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

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

Is that right?

MATT HILL: Yes.

RYAN BRADLEY: Commercial, fifty thousand pounds.

Please tell me how that is fair and equitable.

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

Have you been talking to Steve lately.

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

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

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

the recreational fishermen.

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

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

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

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

COMMISSIONER GOLLOTT: Thank you, sir.

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

Does anyone have a motion?

COMMISSIONER HAVARD: Yes. I would like to go ahead and make a motion, based on what the science says and the number of hooks that we currently have in the water. To raise the minimum size limit to fifteen inches and leave the fishing status, or the creel limit, the bag limit at fifteen, and prohibit the for-hire captain and crew from keeping recreational limit of Spotted Seatrout.

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

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

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

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

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

COMMISSIONER BOSARGE: I'll second that motion.

I think this is to bring it out for public comment.
JOE JEWELL: That's what I was going to note. With the second to that motion, what that means is that the Commission is going to require us to go out for a Notice of Intent to Title 22 Part 7.

COMMISSIONER BOSARGE: Okay.

COMMISSIONER GOLLOTT: Could I add a friendly paragraph in here?

I have asked Paul to see what completely closing it down for one year would be, and he is supposed to come back and let us know.

When we send it out for public hearing, we can add that in and we can take it out, but, if it's not in there, then, it can't be added to it, once it goes out.

I would like to put that in there, that we maybe close it for a year.

JOE JEWELL: As a point of order, can we make that second motion a separate motion from this motion because the first motion is a regulatory action by the Commission that will require a Notice of Intent.

An area closure, or potential season closure, is a non-regulatory issue and can be handled directly by the bench by the Commission.

COMMISSIONER GOLLOTT: It wouldn't have to go out?

JOE JEWELL: It would not.

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COMMISSIONER BOSARGE: If I understand it, we need to vote on Commissioner Havard's motion, and, then, do this?

JOE JEWELL: No. This is the motion onboard, right now. You would have to vote on this motion.

JOE JEWELL: You now need to vote, correct.

COMMISSIONER BOSARGE: And, then, do this?

COMMISSIONER GOLLOTT: No. We wouldn't have to do it.

JOE JEWELL: No. This is the motion onboard, right now. You would have to vote on this motion.

COMMISSIONER GOLLOTT: In the future, if Paul comes back and says, you can accomplish this in six months, by doing it this way, we could modify it, then.

we have a motion and we have a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(No opposed.)

COMMISSIONER GOLLOTT: Motion carries.

JOE JEWELL: That concludes the presentation for Marine Fisheries. Thank you.

COMMISSIONER GOLLOTT: Thank you, Joe.

Mr. Jan Boyd.

JAN BOYD: Good afternoon Mr. Chairman, Commissioners, Direct Miller, Legal Counsel. On behalf of the Office of Coastal Resources Management, I would like to welcome you aboard, Ms. Trapani.

COMMISSIONER TRAPANI: Thank you.

JAN BOYD: We have three action items for your consideration today. Chris Pickering will be our first presenter.

CHRIS PICKERING: Good afternoon. My name is Chris Pickering, and I will be presenting the next two action items.
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 boat house 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 boat house twenty-four by eighteen feet, and the boat house 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 berths area on it and it is a hundred and sixty-five square feet. The total shading of 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 boat house sits right in here.

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

There are pictures (indicating photographs). On December 11, 2013, a General Permit was issued to Christian Groff for an access pier, pier and boat house.

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 11, 2016, a site visit by staff revealed the boat house 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 25th, 2016, staff notified Mr. Groff and 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 boat house.

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 boat house one hundred fifty-four square feet over the previous authorization of the boat house.

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

All those in favor say aye.

[All in favor.]

COMMISSIONER GOLLOTT: Opposed?

[None opposed.]

COMMISSIONER GOLLOTT: Motion carries.

CHRISt PICKERING: Next up is a request for an after-the-fact waiver, plus modification, by Mr. S. E. Mallette, DMR Number 170007. It is located on Bluff Creek at 4400 twisted Run Lane in VanVleck, Jackson County, Mississippi.

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

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

Currently existing, there is a bulkhead one hundred and ninety-eight feet, a pier ninety-eight by eleven feet, a pier forty-two by ten feet, a covered pier thirty-three by six feet, a pier twenty feet by five and a half feet, a triangular pier twelve by ten feet, and a boathouse thirty-two and a half by twelve feet. The total shading for all these structures is currently two thousand two hundred and fifty-six square feet.

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

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

Here's a zoomed-in aerial.

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

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

Here are pictures of the boathouse and piers.

On April 7, 2009, a General Permit was issued for seventy feet of bulkhead at 4157 Twisted Run Lane to the previous landowner.

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

COMMISSIONER GOLLOTT: What section is this in?

Can you give us a law, or a regulation, where the floating docks are permitted?

CHRIS PICKERING: Well, it's in the General Permit guidelines.

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

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

CHRISt PICKERING: What part of your fine is for the floating dock?

COMMISSIONER BOARSE: Two hundred dollars.

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

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

COMMISSIONER BOARSE: We do.

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

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

CHRIS PICKERING: Yes, sir.

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

CHRIS PICKERING: I haven't gone over the decision factors. If you all want me to go over then, I can.

COMMISSIONER GOLLOTT: It's not necessary.

We have a motion.

Do we have a second?

COMMISSIONER HAVARD: I'll second that motion.

Mr. Chairman.
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 withdraw 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, 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 HAYWARD: 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.

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 31st, by mail September 13th, 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 20th, DMR staff contacted Mr. Seal and told him about the Commission's decision.

On September 21st, the After-the-Fact General Permit was issued, and the procedure to appeal a...
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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 10th, a certified letter was sent to Mr. Seal. It was signed for on October 12th.

On October 13th, DNR 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 location. 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 MANSARD: Excuse me, Jennifer. What is the time frame on those previous violations?

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

COMMISSIONER MANSARD: 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 DNR. You can set the matter for an evidentiary hearing.

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

COMMISSIONER GOLLITT: Is Mr. Seal here?

JENNIFER WILDER: He is.

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

I own four hundred feet on the Pascagoula River. It was formerly 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 2009.

In 2003, I had the DNR 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 DNR, 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 you'll give him five hundred and two hundred.

Let's get to my second offense. It's not even
any of this.
He fixed it. He said, "It's easier just to replace this ninety foot.
I was replacing an existing bulkhead, if you want to call that a big grievous violation. I did that.
The next thing I knew the DNR is down and wanting to why there are no permits.
Now, I can understand to a certain extent why
Ms. Wilder thought that I had put this bulkhead in front
of my house in the wrong area because, when she got there
some months later -- let me just briefly tell you on the
Pascagoula River -- you know this, Steve -- in the
wintertime, my sandbar goes out twenty to thirty feet.
I'm paying taxes further, but I understand I don't have
any control over that.
Then, in the summertime, especially with the
increase of traffic, it's not uncommon for me to look at
ten, or twelve, boats in front of my house. I'm one mile
north of I-10 on the West Pascagoula River. That sandbar
just goes and goes and goes.
I caught it after the winter, when the bar was
cut, and I went just enough to prevent my house from going
in the river. I really built my house too close to the
river, but I can't move it, and it's a two-foot wall.
I can guarantee you Stevie and Rickey Register

that's the one she showed you there that was the same one
in 2000.
Let me tell you how that happened. I'm going to
get to the one that I do not think that I violated the law
on. I'm going to get to it last, and I've got pictures.
I'm going to give them to you in a minute, but I don't
want you looking at them. I want to talk a little bit.
The ninety foot, we were wrong. Here's what I did. I had Stevie Register and Ricky Register who own a
reputable company -- I don't think you'll see then here
much for violations. I had them come to my house. I
did, "Can we build this bulkhead on land?" This is on
the first one.
They said, "Yes."
So we did. That's a sixty-foot wall in front of
my house.
When we went through, one of the older bulkheads
that I had done back in 2000 had a broke piling. It was
caring in. I said, "Will you replace that piling?"
He said, "I'll do it for free, since I'm here."
He pulled his barge around, pulled the piling up
and, when he did, ten foot of wall collapsed on each side.
He know he had to have a permit. I didn't, and
he will tell you that. I've got his phone number. He
told me to give you his cell number, if you want to verify

would not go and do a job that didn't cost me much more
than this fine is and violate, or jeopardize, their
relationship with this Commission. They are not going to
do that.
He sent an Affidavit, and I know Ray Carter has
looked at it, and I saw that on public records. They were
inconclusive as to whether we violated tidelands, but I'll
tell you this, when you've got a sandbar and you put a
wall up -- I'm going to show you pictures where I'm
anywhere from two to five feet -- you can see the
waterline and you can see where I put the bulkhead up. I
was on dry land.
When you start that spring traffic and you have
a high tide, or two, and, now, you've got a wall. Instead
of the sandbar coming and looking up and going back,
you've got a wall, it looks like, on part of it. I can
understand that.
I felt like I had the documentation, but I think
we were cool on all that, but I think the seven thousand
dollar fine is crazy, especially based on the two fines I
have seen this morning.
I want to submit these pictures.
JENNIFER WILDER: Mr. Seal.
WILLIAM FLOYD SEAL, JR.: Yes.
JENNIFER WILDER: I'm not telling you not to do
 Commissioner on Marine Resources

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

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

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

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

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

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

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

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

WILLIAM FLOYD SEAL, JR.: I understand.

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

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

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

JENNIFER WILDER: You built it without a permit.

That's the violation.

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

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

Do you see what I'm saying?

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

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

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

It's a sandbar.

JENNIFER WILDER: Hancock County beach is
wetlands.

JAMIE MELLER: Sean, why don't you step in here?

I think we are arguing about something that has
not previously been discussed.

SEAN MORRISON: Yes.

WILLA BRANTLEY: My name is Willa Brantley. I
would like to address whether he needed the permit, or
not, for the bulkhead.

If you look at the picture, it does touch the
water at times in the tidal cycle and, because of that, it
is a regulated activity and he did need a permit.

If you build a bulkhead completely on dry land
where the tide never touches it and it doesn't impact any
non-tidal wetlands, that's the point where you don't need
a permit.

COMMISSIONER GOLLOTT: Willa, do we have the
right to reconsider the fine?

WILLA BRANTLEY: Yes, you do.

COMMISSIONER GOLLOTT: Let us go there, sir.

WILLIAM FLOYD SEAL, JR.: I want to concede to
what she is saying. There is a part of the bulkhead, but
I still think the fine is extreme and I'm not a repeat
offender.

COMMISSIONER GOLLOTT: We are going to address
the fine, but you are guilty of what she is saying?

WILLIAM FLOYD SEAL, JR.: Yes, sir.

COMMISSIONER GOLLOTT: Do we have a
recommendation from any of our Commissioners?

COMMISSIONER NAPWOR: Yes, I would like to
recommend that we reduce the fine charged to Mr. Seal. I
think twenty-five hundred dollars would be sufficient.

COMMISSIONER GOLLOTT: Do we have anybody else
who wants to comment on it, or anything?

COMMISSIONER BOSARGE: I don't have any
comments, but I will second his motion.

COMMISSIONER GOLLOTT: We have a motion and a
second.

Anybody else want to say anything?

(No response.)

COMMISSIONER GOLLOTT: If not, all those in
favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries. Twenty-
Five hundred.

WILLA BRANTLEY: Thank you.

COMMISSIONER GOLLOTT: Next we've got George
Ramsour.

RHONDA PRICE: I'm not George. I'm Rhonda
Price.
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 plan for tourism.

On October the 6th, we relaunched our Gulf Coast Heritage Area, with the help of Governor Bryant, Senator Wicker and Secretary Husemann.

Secretary Husemann 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
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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 you 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 30th, 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 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.

Mr. 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
As you can see, those miscellaneous projects vary between nonprofits and for-profit agencies. One of them is an MDNR project, and there are some Hancock County Water and Sewer District projects in there.

In 2018, our Managed projects, we had eighteen miscellaneous projects; we had twenty-six MDNR projects; and thirty university projects for a total of seventeen million requested for Managed Projects for 2018.

In our 2017 Public Access Projects, as stated earlier, we have not received the award yet, but, in the House Bill 1657, there were projects that were awarded for the Public Access Projects, and these are those projects.

There were seven awarded to the Board of Supervisors for a total of one point five million; two miscellaneous projects for a total of four hundred and five thousand; and thirteen city projects for a total of two point seven million.

None of those projects have received an award, or a grant agreement, from DNR at this time because we are still waiting for the check to come in.

Our Managed Projects, typically these are decided after the House Bill is received. We have gone through our Managed Projects, we have made this decision, but it is on hold until we receive the check, and it could change once the check comes in.

Bascially, where we are, at this time, is awarding seventeen university projects at a total of one point one million; eighteen MDNR projects at a total of two point two million; and fourteen miscellaneous projects for two hundred and eighty thousand, but, again, we have not received that check.

Do you have any questions?

COMMISSIONER BOSARGE: Could you give us an example of an MDNR project?

SONJA SLATER: An example of an MDNR project?

COMMISSIONER BOSARGE: Yes.

SONJA SLATER: It would be any of the research projects that the Marine Fisheries do. We have a public access MDNR project out there that was submitted for 2018 that was to improve the waterfront in front of the Bolton Building. They range, but, mainly, they are research projects.

JAMIE MILLER: Mention the match, Sonja. There is a significant part of Tidelands that goes to match other Federal programs.

SONJA SLATER: The Grand Bay NERR. Mississippi National Heritage. We fund our aquaculture through the Tidelands funding, but we do have grants that Marine Fisheries and other departments apply for that require a ten percent match, or a thirty percent match, and they use
the Tidelands funding as that match to be able to get
those grants.

COMMISSIONER BOSARGE: Do you see maybe in the
future some of this restoration money that is coming down
might take a little pressure off?

SONJA SLATER: I would hope so, but that would
be a Director’s decision.

COMMISSIONER BOSARGE: I hope so anyway. Thank
you.

SONJA SLATER: Any other questions?

(NO RESPONSE.)

COMMISSIONER GOLLOTT: Thank you, Sonja.

Ms. Melissa.

MELISSA SCALLAN: Good afternoon Commissioners,

Director Miller and Mr. Norris.

We would like to also welcome our new
Commissioner, Ms. Trapani. If there is anything we can do
to help you, let us know.

COMMISSIONER TRAPANI: Thank you.

MELISSA SCALLAN: The agency was mentioned
fifty-four times in local, state and national media, since
the last Commission meeting.

Some of the items that people are most
interested in are going to be the same ones as this month,
speckled trout and oyster season.

National Heritage Area got some good press, as
well as the appointment of our new Commissioner.

We have participated in quite a few events in
the last month; Anchor Fest in Gulfport and the Mullet
Festival in Gautier. We were at Champagne and Shellfish.

Saw Commissioner Gollott there on Saturday. Had a good
outcome for that. We are also at the Jackson County Fair
this week, and, in November, our chef that won the Great
American Seafood Cookoff will be participating in the
World Food Championship in Alabama. We hope he does well
there.

Marine Patrol had one boat-and-water safety
class in September, and five students were certified. So
far in the fiscal year, Marine Patrol has taught eight
classes and certified sixty-one students.

Any questions?

(NO RESPONSE.)

MELISSA SCALLAN: Thank you.

COMMISSIONER GOLLOTT: Thank you, Melissa.

Is there any other business to come before this
Commission?

(NO RESPONSE.)

COMMISSIONER GOLLOTT: If not, do I have a
motion to adjourn?

CHRIS LEGARDE: Richard, what about public

1 comment?

COMMISSIONER GOLLOTT: I thought you had already
commented -- I’m sorry about that. Come on up.

CHRIS LEGARDE: I know everybody is hungry and
ready to go home.

Three things. One, if I was going to fill some
wetlands, I wouldn’t ask permission. I would just ask
forgiveness.

I don’t come to every meeting, but it seems to
me that we keep allowing these after-the-fact permits, and
the word must be out there, just build it into the cost of
your project. You will eventually get the permit and you
will pay a fine, but it’s a lot easier than asking.

We lose out on that. The State loses out, and I
can only imagine how these guys and girls who are going
to regulating must feel, when they do the best they can,
and, then, we saw what happened today.

Number two. Tidelands, I couldn’t really hear
much, but I understand Hancock County wants to pull all
the pilings up along the beaches in Hancock County.

Now, if it’s a hazard to navigation, I
understand it, but if it’s an old pier that a private
landowner put there, leave them be. We don’t need to be
spending Tidelands money pulling up private piers. Plus,
what are you going to tell the pelicans and the terns and

the seagulls.

I don’t know if you know, but, if you look at a
calendar, you will see invariably a bunch of old pilings
with pelicans on them.

With all the issues that we’ve been going on, to
spend Tidelands money to pull up pilings just seems to be
a travesty to me.

Then, the other thing is you know we’ve got DEQ
finally saying “Do Not Swim in the water”, yet we’ve got
oyster season open.

I know there are some differences between what
is going on, but it’s not lost on me that here we are. We
are finally telling the people. I guess, we are now
telling people don’t swim in the water because all the
tourists have gone home, and they are saying the sediment
is stirred up.

I just wanted to point out that out to make sure
that you call connect those dots. Thank you so much.

COMMISSIONER GOLLOTT: Thank you.

JAMIE MILLER: Chairman, I neglected to bring up
one business item. Our time of the year to go to Jackson
County is actually November, and we have scheduled to be
there, if you will make a motion to move the meeting to
Jackson County,

COMMISSIONER BOSARGE: I’ll make that motion.
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 TRAULEN: 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 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.)

CERTIFICATE

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

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October 18, 2016