COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, December 13, 2016
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:
Richard Gollott, Chairman
Steve Bosarge, Vice Chairman
Mark Havard
Randy Harmon
Jolynne Trapani

Also Present:
Jamie M. Miller, Executive Director NMHC
Sandy Chestnut, Esq., Assistant Attorney General

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

First thing on the agenda is the pledge of Allegiance. Please stand and let Jamie lead us in the Pledge:

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER GOLLOTT: Next is approval of the minutes.

Do I have a motion, or any modifications, to the minutes?

COMMISSIONER BOSARGE: I make a motion we approve the minutes.

COMMISSIONER GOLLOTT: we have a motion.

Do we have a second?

COMMISSIONER BOSARGE: Mr. Chairman, I would like to second that motion.

COMMISSIONER GOLLOTT: we have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: I make a motion we approve the agenda.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER HAVARD: I'll second it, Mr. Chairman.

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

None.

COMMISSIONER GOLLOTT: Motion carries.

Next we have the Executive Director's report.

JAMIE MILLER: Chairman, I don't have a report.

COMMISSIONER GOLLOTT: Next is Office of Marine Patrol, Chief Davis.

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

Before we get started, Marine Patrol would like to wish each and every one of you a very Merry Christmas and a safe and Happy New Year.

COMMISSIONER GOLLOTT: Thank you, sir.

RUSTY PITTMAN: I don't have much to talk about, on the report this month. It was kind of slow. There was bad weather the last month.

There is one thing I would like to mention. On the spotted seatrout undersized citations that we wrote, we have three violations. We had four complaints called in from the public, and three of those calls resulted in the citations written, when the officers got down there.

It really is helpful when the public is notifying Marine Patrol on violations, or something that they see that is going on and they give our dispatcher a call, and we were able to send officers out there.

I want to give the public a big thank you for helping us enhance and conserve the marine resources of the State.

That is really all I have to talk about. I know we have a big agenda coming up with Marine Fisheries.

If there are any questions?

COMMISSIONER GOLLOTT: Thank you.

RUSTY PITTMAN: Thank you.

COMMISSIONER GOLLOTT: Next up is the Joe show.

JOE JEWELL: Thank you for your kind words, Commissioner Gollott.

I, too, want to wish everyone a Merry Christmas and a Happy New Year. It has been a long and productive year, and we are very happy to say the Department of Marine Resources has done a very good job managing our public trust.

First up for the Office of Marine Fisheries is a
very challenging presentation. As y'all know, we started
this process in February of this year and, now, we have
arrived at the presentation for final adoption of the
Spotted Seatrout size and bag limits.

The Commission passed a Notice of Intent on
October the 18th. That notice of Intent was filed with the
Secretary of State on October the 18th.

The following day public notice was given via
the DNR web page.

On October the 22nd, legal notice was published
in the Sun Herald.

Public comment period ran from October the 19th
through December the 12th. That is a total of fifty-five
days. If you count today, when the public will have an
opportunity to comment, it will be fifty-six days.

So far we have received three petitions, two
cost organizations have submitted comments, and forty-nine individuals from the public, we have received
comments from.

Petition number one was hand delivered by the
CCA, on October the 21st. It had twenty-five names listed
from the general membership of the CCA. It requested a
public hearing on the recent proposed rule changes closing
the recreational fishery for Spotted Seatrout during the
months of January, February and March of 2017, and raising

the minimum allowable size to fifteen inches and removing
the charter boat captain/crew bag limit.

Petition number three was submitted by the
Executive Board of the CCA. The Chairman Mr. Owen Johnson
and Government Relations Chairman F. J. Elke signed this
petition.

"Board of Directors of Mississippi CCA
unanimously objects to the closed season during the months
of January, February and March of 2017, and requests
review of this action", advises the DNR gave no indication
the decision relied on the best available scientific
information, and attached State Statute 49-15-12(a)) that reads:

"Conservation and management measures shall be
based upon the best scientific information available."

Petition number two was submitted by email by
Mr. J. L. McNew of Ocean Springs, on October the 22nd.
That is important to note, as I get into the presentation.
It had three hundred and thirty-seven names listed. It
requested a fourteen-inch size limit and a six to eight
bag limit, to prevent a season closure.

Remember, this was prior to the public hearing
being held.

In addition, they requested research and
scientific data be used for recreational landing and to

look at how BP oil spill, loss of habitat, water quality,
loss of bait (Menhaden), and bycatch from shrimp and
Menhaden Industry influences the Spotted Seatrout
population.

Organization number one was submitted by Mr. Don
Abrams via email, on November the 14th, on behalf of
Historic Ocean Springs Saltwater Fly Fishing Club, or
HOSSFLY.

"Strongly supports increasing minimum Spotted
Seatrout length from twelve to fifteen inches. HOSSFLY
commends and thanks the charter fishing group for
suggesting and supporting the captain/mate catch
restriction. We support their proposal.

HOSSFLY suggests that the seasonal closure,
January through March of 2017 recreational only, is not in
the best interests of the Mississippi citizens and
businesses, or the fishery."

They go on to say HOSSFLY strongly supports an
increase in enforcement activities related to all
saltwater fisheries and regulations and increases the
fines for the violations:

"We play by the rules and we expect others to do
the same."

Organization number two, submitted by the Sierra
Club, Mr. Steve Sheppard, on November the 14th. This group

has around two hundred members here on the Coast. They
support the fifteen-inch size limit for Speckled Trout and
prefer that this limit be the new permanent size
limit, even after the SPRA reaches twenty-five percent:

"The Sierra Club supports a closure of three
months probably as a temporary effort to allow fish to
survive in large numbers, but only if commercial and
recreational fishing is closed, and mentions human fishing
impacts, including the Menhaden industry and the
commercial shrimp industry."

As you all remember, late yesterday I sent out all
of these comments for you to review and this is in
summary.

Now, I get to the point where I am summarizing
the actual public comments. There were forty-nine that
were submitted.

Of the forty-nine, thirty-seven commented on the
proposed fifteen-inch minimum size limit. Twelve of these
had no comment on the fifteen-inch minimum size limit.

Of the thirty-seven comments, twenty-eight
supported the size change and nine did not support it.

Of the forty-nine comments received, nineteen
commented on the proposed season closure for Spotted
Seatrout. Thirty of those individuals had no comment on
the season closure for Spotted Seatrout.
of the nineteen that did comment on the closure, thirteen are opposed and six supported the season closure. The Commission, in the past, has asked me to address all the questions that were asked in the public comment section. We only received three questions. Most of them were just statements pro or con, for the proposed changes.

One question was asked by Brian Garraugh:

"Who is going to pay my bills?"

I think Mr. Garraugh was referencing the potential season closure. Since the Commission, in the November meeting, rescinded that vote, it no longer has an impact on any potential economic hardship expressed by Mr. Garraugh.

The next question was by Mr. Larry Williams:

"What is the size limit, season change on the commercial side?"

This proposed rule change only affects the recreational fisheries.

The third question is actually two parts from Mr. Bill Busby:

"What is the reason for the closure?"

The answer to that would be we presented stock assessment data to the Commission, on most of the monthly meeting since February, within six days of the Commission meeting. We had several workshops and conference calls. Commissioner Rosarge also requested several models addressing potential season closures, and all of these have been presented at the meetings; a total of twelve meetings, workshops, public hearings and comments all presenting the best science available to the Commission. That would be the reason.

The second part of his question was:

"I heard through the rumor mill that high mercury levels have been found in speckled trout caught in the Escatawpa River and that fish were not good to eat."

"Is there any truth to this?"

The DMR has no data, or information, suggesting that there are high levels of mercury in the Spotted Seatrout, in or near, the Escatawpa River area. Water quality is generally under the purview of the Department of Environmental Quality.

On November the 17th, 2016, Department of Marine Resources conducted a Spotted Seatrout public hearing, and received input from the recreational fishing community for the Commission on Marine Resources to consider.

There were a total of thirty-seven people that attended this public hearing. It was held here in the Bolton Building in this room. Seventeen members of the MDRA staff were present and twenty members from the

deliberations about what you were actually going to do and, in that document, we made the statement that we were basically in favor of returning to a fourteen-inch Spotted Seatrout, unless the scientific data indicated the models projected that we needed to do something different. This was before Paul and Matt made their comments to the Commission.

Since they have made their comments and since we have the Stock Assessment, now, in its final form peer reviewed, there is no doubt in CCA’s position that we are in favor of the fifteen-inch minimum size.

We also thank the charter captains for their cooperation in this. It is a stand that indicates to the public that we are serious about this.

where this leads us, I don’t know, but you have indicated that there will be periodic reviews and whatever those reviews begin to show, in terms of scientific data, you are likely to find CCA support.

with that minimal statement which is unusual for me, I will bid you Farewell.

COMMISSIONER GOGLOTTI: Thank you, Mr. Eickel. Steve, did you want to say something?

COMMISSIONER ROSSARIE: Yes.

JOE JEWELL: Before y’all comment, I will give y’all some stats from the data because I know that Mr.
Havard loves statistics.

Of the comments that were received, a total of
six hundred and forty-two, three hundred and five,
commenters commented specifically on the fifteen inch and
ten commented against the fifteen inch. Proportionately,
ninety-six point eight percent were in favor of raising to
the fifteen inch and three point two percent opposed
raising to the fifteen inch.

Now, if we consider all of the comments that
were submitted -- remember, there was a petition that was
submitted that I pointed to early in the presentation that
had three hundred and thirty-five signatures on it that
was submitted prior to the public hearing, that they
supported a fourteen inch minimum size limit to augment
the season closure.

It is unclear what they would have supported had
they known there was not going to be a season closure.
They certainly supported an increase in the minimum size
limit.

If you added all those together, those
supporting an increase was ninety-eight point five
percent, and those that opposed an increase was one point
five percent.

COMMISSIONER ROSS: I just wanted to make a
couple of comments. One is I like that tie. It's hard

for me to fucus on what I'm saying, looking at that tie.

The other thing is I just wanted to thank the
staff especially for working with me and trying to help me
understand what is going on and, as we proceed in the
future and run some more of these models, I appreciate all
the effort and help.

JOE JEWELL: And that's what we are here for.
we are happy to do that, Steve.

COMMISSIONER HAYWARD: I'm glad to see us get a
goal and try to achieve that goal. You guys have put a
lot of hard work and a lot of hours into getting us a
plan, and I'm glad to see that we agree on a plan and,
progress forward, I expect to see the speckled Trout
population increase in the fishery.

JOE JEWELL: Thank you.

COMMISSIONER GOLLOTT: With that, sir, I think
we need a motion.

COMMISSIONER ROSS: I'll make the motion to
proceed with Final Adoption of Title 22 Part 7: Increase
Spotted Seatrout minimum size length to Fifteen inches and
no take for Charter Captain and Crew.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

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

COMMISSIONER GOLLOTT: we have a motion and a
second.

All those in favor say yes.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

JOE JEWELL: Thank you, Commissioners.

Next up on the agenda for your consideration is
a presentation by Mr. Rick Burris for consideration of
Commercial Crab License Moratorium.

He also will be presenting item number three,
Consideration of Establishing a Mississippi Shrimp Task
Force.

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

This morning we would like the Commission to
consider placing a temporary moratorium on Commercial Crab
Licenses until April 30, 2017, at the end of the commercial
License year.

At the last meeting of the Mississippi Crab Task
Force, the task force voted to ask the OR to consider
placing a temporary moratorium on Commercial Crab
Licenses.

They signed a resolution which you see on the
screen and asked me to present it to the Commission on
behalf of the Mississippi Crab Task Force:

"At a duly convened meeting of the Mississippi
Crab Task Force, on October 19, 2016, the Task Force voted
unanimously to present to the Mississippi Commission on
Marine Resources a Resolution to mitigate any adverse
effects to the fishery due to anticipated increased effort
during the phase in the season when landings are lowest
and prices are at their peak."

The Resolution reads as follows:

"The Mississippi Crab Task Force recommends the
Commission on Marine Resources impose an immediate
moratorium on Commercial Crab Licenses, per the authority
provided in 49-15-15(3)(a) of the Mississippi Code, until
April 30, 2017, the end of the current commercial license
year, to conserve Mississippi's blue crab fishery
resource."

As y'all are all aware, the commercial license
year runs May the 1st through April the 30th. With the
exception of the Oyster License, most of our licenses are
sold on, or around, May the 1st for that following year.
So far, crab effort this year has been pretty
high. We sold more commercial crab licenses, since prior
to Katrina.

With that, it is anticipated that, in the near

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Future, the demand and the price of Blue Crabs will significantly increase which will promote short-term new entrants into the fishery and greatly increase effort that is currently at its highest.

With that being said, now would be a good time for any discussion, before I move forward.

COMMISSIONER GOLLOTT: Let's get a motion, first.

I would like to make a motion that we put a moratorium on any more crabbing licenses until the end of the season.

RICK BURRIS: That would be until the end of the license year.

COMMISSIONER GOLLOTT: Yes.

Can I get a second on that?

COMMISSIONER TRAPANI: I'll second it.

COMMISSIONER GOLLOTT: We have a motion and a second.

Now, for discussion.

COMMISSIONER BOSARGE: I just want to say that I am a member of the Crab Task Force, and there was a lot of discussion on this and this is something that really needs to happen for a bunch of different reasons. One is we have already got a lot of effort and our crab fishery is just now beginning to come back, and we can see where

there is a possibility of a lot more effort coming in, so this is a good thing.

COMMISSIONER GOLLOTT: Anyone else?

(Risk response.)

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.

RICK BURRIS: Next up we would like the Commission to consider establishing a Mississippi Shrimp Task Force.

As many of you are aware, the Commission has the authority to create an advisory council, or a task force, per 49-35-25 of the Mississippi Code which states:

"The Commission may appoint an advisory council of persons who may fairly be regarded as representative of all the various segments of the industry. This council shall aid the Commission in formulating policies and discussing problems related to the administration of this chapter and the advancement and protection of the industry."

CMR currently has three other task forces under its authority. Those are the Oyster, Crab and the most recently acquired for-fish Task Force.

With our current task forces, we have stated purposes, goals, membership and objectives which are, of course, to enhance protect and conserve the industry that the task force represents. We also have standard operating procedures that are consistent throughout all of our task forces.

What we are proposing for the purpose and goals of the Shrimp Task Force reads as follows:

"The purpose of the Mississippi Shrimp Task Force is to optimize Mississippi's Shrimp Fishery through increased productive communication within the Fishery and make recommendations to the Mississippi Department of Marine Resources and the Mississippi Commission on Marine Resources."

Goals of the Mississippi Shrimp Task Force would be to provide updated information relevant to the Shrimp Fishery, provide a mechanism to the Shrimp Fishery to provide feedback to the CMR and to improve the overall value of the Shrimp Fishery.

The proposed objectives would be to identify and prioritize challenges in the shrimp fishery/industry, to make recommendations to the CMR pertaining to the shrimp fishery that are based upon sound biological and economic principles and to take appropriate steps such as preparation of proposed legislation, to resolve problems and issues.

Finally, the proposed membership which will be representing the various segments of the industry would include a minimum of three commercial fishermen, one of which must be a Federal Permit Holder, one of which must utilize Skimmer Nets and one of which must represent the Vietnamese Community.

When I say minimum, we would anticipate more than three, but, for voting purposes, it would be a minimum of three and, of course, they will represent the three Coastal counties.

Then, we have one shrimp dealer/processor, one recreational shrimp fisherman, one licensed live bait dealer and one Fisheries Biologist representing the Mississippi Department of Marine Resources.

Of course, as I mentioned earlier, our standard operating procedures will be consistent with the other task forces that we currently have on the authority of the Commission.

Now, would be a good time for questions.

COMMISSIONER GOLLOTT: Mr. Burris, the shrimp industry really does not need a task force. The shrimp industry is represented by two commercial fishing people
on the Commission. We have a shrimper and a processor.

The task force, as I see it, needs to be an ad hoc task force to aid in the advancement plan for the sustainability program. Both the fishermen and the processors have gotten with the Nature Conservatory to try to get our industry certified as being sustainable.

In that case, I would like to make a motion that we form an ad hoc Fisheries Advisory Panel. The American Shrimp Processors, David Veal, has been working on this pretty heavily, and give us two processors and we'll say three, or four, fishermen and let that be ad hoc.

COMMISSIONER BOSARGE: Of course, I disagree with that. I am a member of the Crab Task Force, and I have seen what that task force has done. It is an opportunity for everybody to get in the same room, look at what is going on within the industry, see what changes can be made that will benefit the industry, and promote sustainability which we do in the Crab Task Force.

I don't see any reason for an ad hoc committee.

I think a Shrimp Task Force is something that has been needed for a long time. They have in just about every other state, other than Mississippi, that has a shrimp industry as we do.

I would make a motion to your motion which I think we need to get a second. First, that we create a Shrimp Task Force, establish a Mississippi Shrimp Task Force.

COMMISSIONER GOLLOTT: Let me say this. In the twelve years that I have been on the Commission, I can't remember one issue that has come up in the shrimp industry, not one. The shrimp industry is over a hundred million dollar industry in Mississippi.

Our openings and closings are set. The shrimp industry really does not want to be messed with. They are doing good, and they really don't want any more regulations, or any suggestions.

Sustainability is the only thing that the shrimp industry is wanting, right now, and we need to cooperate with each other.

The second thing is the Crab Task Force is the only one that has worked, and it has worked.

The Oyster Task Force, I have had members tell me they are not going to come back to another meeting because they all got in a fight the last time they were there.

Can you say anything to that?

Is the staff in favor of a Shrimp Task Force?

RICK BURRIS: I think we are. It's good to have feedback. We get a lot of feedback. I get a lot of feedback through telephone calls and emails.

COMMISSIONER GOLLOTT: Commissioner, you have been on this Commission at least eight years. Have you ever brought up a cornline measurement, or anything like that?

I mean, you are the task force. The Commission is the task force.

Mr. Burch gets calls from fishermen. He's got the right to stand up here, plus we have public hearings just like we are having today. If anybody has a problem, they can come to the Commission.

Why form another bureaucracy in this thing, when we don't have any problems.

Like I say, the only reason for a task force is for this sustainability problem.

MR. RYAN BRADLEY would like to speak.

RYAN BRADLEY: Thank you Commissioners for allowing me time to speak today.

First, I would like to say I support the formation of this Shrimp Task Force, whether it be in the form of a Shrimp Task Force, or an ad hoc advisory panel.

I would really like to see us take a quick recess to discuss this issue a little bit more, before we take a vote, if that would be at all possible.
I have a couple of things here I would like to present to the Commissioners, if possible.

There are some really great things in the works for the Mississippi Shrimp Industry. If we could just get a chance to address some of these issues, it is going to be a real good positive thing for the industry, for the fishermen, for the processors and for the citizens of this State and for all the consumers who enjoy our shrimp.

(Document handed to the Commissioners by Ryan Bradley.)

COMMISSIONER ROSARIO: While he is passing that out, I would like to make one point. A good example is had we not had the Crab Task Force, we probably would not have the motion passed that we just passed a few minutes ago.

RICK BURRIS: You are correct. Yes, sir.

COMMISSIONER ROSARIO: That group met and realized what was going to take place, and they took action, and I see that as a benefit for the State, benefit for the fishermen and benefit for the industry.

I don't understand why we are having opposition to a Shrimp Task Force. I can't imagine. To me, it is only a benefit.

RICK BURRIS: Yes, sir.

COMMISSIONER GOLLOTTI: Let me say this. I was for the task force, once I met with some fishermen and the staff. I mean, it doesn't take a task force to convince me. One of the fishermen can call me on the telephone and convince me of something. It doesn't take a task force.

It's just another bureaucracy.

The Crab Task Force is the only one that works. If you will tell the truth, that is the truth.

We don't have much of a crab industry in Mississippi, so I don't think you would have a lot of discussion on it.

Number two is I don't care for the makeup of your task force here. The processors are the biggest part of the industry, and you only have one representative on this thing. That would leave out our representative, David Veal, and maybe a couple of processors.

RICK BURRIS: Well, that is something we can alter, if we decide to go down that road.

COMMISSIONER GOLLOTTI: We could form this ad hoc, and if we see in the future we need something else, we could come back and redo it.

RYAN BRADLEY: That's pretty much all I had, Commissioners.

One last thing I wanted to mention was that the overall license sales for the shrimp industry are way down from historic highs. I don't have the exact numbers, but

I want to say they peaked somewhere around fourteen hundred several years back and, now, we are down to about four hundred licensed shrimpers. As far as I'm aware, I don't have those exact numbers in front of me, but there are several shrimpers in this room. There are some processors in this room. We are all in support of getting any kind of task force together to help these guys out.

They need all the help they can get, right now.

I really appreciate the consideration.

COMMISSIONER GOLLOTTI: Thank you, sir.

Ashford Rosenberg.

ASHFORD ROSENBERG: Good morning.

My name is Ashford Rosenberg. I'm with the Audubon Nature Institute, New Orleans, Louisiana, and we are working with the shrimp sustainability project.

I wanted to just introduce myself and see if there are any questions I could answer and provide clarity on, on that side of things, and how the task force would play into that sustainability project.

We see those benefits to the industry, whether it is through MDMR, or an adhoc.

I think having it officially through MDMR would give it a little bit more weight, when you are talking about external pressures, or external use of the fishery, from a sustainability standpoint.

We work with Louisiana Shrimp Task Force a lot and that has worked very well. It has been a good productive process for us and I think it has helped the shrimp industry there.

If anybody has any questions about how that would pertain to a sustainability project, I'm happy to answer them.

COMMISSIONER ROSARIO: You have been working through the Crab Task Force, Ashford. I've been to several meetings where you have presented.

ASHFORD ROSENBERG: We have, yes.

COMMISSIONER ROSARIO: Is that working okay?

ASHFORD ROSENBERG: Yes, sir. It has been a great place for us to come and talk with the industry and hear what they need and kind of a place for us to tell the industry what we are hearing, as far as sustainability pressures outside of the Gulf region, too.

COMMISSIONER GOLLOTTI: I don't know if you have any need to work with the charter boat guys.

ASHFORD ROSENBERG: No. Our work has been solely with commercial harvesters.

COMMISSIONER GOLLOTTI: Would you have any objection to working with an adhoc task force?

ASHFORD ROSENBERG: No, sir.

COMMISSIONER GOLLOTTI: Thank you.
ASHFORD ROSENBERG: Thank you, sir.

COMMISSIONER GOLLOTT: Can I get a second on the first motion, forming an ad-hoc shrimp committee?

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

COMMISSIONER GOLLOTT: We have a motion and a second.

Any more discussion on it? (No response.)

COMMISSIONER GOLLOTT: With no more discussion, can we have a vote?

COMMISSIONER BOSARGE: Wait a minute.

Can we get the rules here?

I made an alternate motion.

JAMIE MILLER: Sandy, I'm going to need your help on this. One motion was made and it has been seconded, and there was an alternate motion made.

COMMISSIONER BOSARGE: The alternate motion, to the best of my knowledge, is asked for a second, and that vote is taken first.

If it fails, then, it goes back to your motion.

COMMISSIONER GOLLOTT: Is that correct, Sandy?

SANDY CHESTNUT: Yes, that's correct.

COMMISSIONER GOLLOTT: There's no problem.

We have an alternate motion.

Lucille Morgan, CSR 1251
COURT REPORTER
(225) 394-9768

Thank you.

RICK BURRIS: Thank you.

JOE JEWEL: Thank you, Commissioners.

Next up on the agenda is an oyster season update that will be presented by Mr. Erik Broussard.

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

This morning I have an oyster season update prepared for you.

To start off with, I have a table prepared, a five-day summary for an opening in the western Sound from November 17th through the 22nd. During that period, the dredgers harvested two thousand two hundred and ninety-eight sacks and the tigers harvested five hundred and eighty-nine sacks, for a total of two thousand eight hundred and eighty-seven sacks.

The dredgers took a hundred and thirty-six trips and tigers took seventy-three trips, for a total of two hundred and nine trips in the five-day period.

During that time, the average dredging trip harvested about seventeen sacks per trip, and the tigers averaged eight sacks per trip.

Here we have a table. The larger table is for the western Sound. You have seen this before, so I will just go over the notable changes.

Lucille Morgan, CSR 1251
COURT REPORTER
(225) 394-9768

Do we have a second on it?

(No response.)

COMMISSIONER GOLLOTT: With no second, it fails.

Can we have a vote on the first motion to form an ad-hoc committee?

We have a motion and a second.

All those in favor say aye.

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

COMMISSIONER GOLLOTT: Opposed say no.

(Mr. Bosarge, Mr. Havard opposed.)

COMMISSIONER GOLLOTT: Let's have a hand count.

Mark, how do you vote?

COMMISSIONER HAVARD: No.

COMMISSIONER GOLLOTT: Ms. Trapani?

COMMISSIONER TRAPANI: I'm going to abstain from the vote because I think we need to discuss this a little more on the membership, who is in the membership and which way to go with it. I think we need to discuss it a little further, before we go with your vote.

COMMISSIONER GOLLOTT: Steve?

COMMISSIONER BOSARGE: No.

COMMISSIONER GOLLOTT: Ron?

COMMISSIONER HARMON: Aye.

COMMISSIONER GOLLOTT: We have two ayes and two nos. It fails. It's a tie.

Lucille Morgan, CSR 1251
COURT REPORTER
(225) 394-9768

There will be St. Joe with twenty-seven thousand five hundred and ninety-two sacks harvested and St. Stanislaus Toning Reef with three thousand three hundred and seventeen sacks harvested for that area, bringing the total for the western Sound to thirty-one thousand seven hundred and seven sacks, or about forty percent harvest, based on our estimates for the western Sound.

The smaller table is the western reefs combined with Biloxi Bay. I have a slide, after this one, for Biloxi Bay, but I wanted to look at the total.

Thirty-one thousand seven hundred and seven sacks combined, with four thousand six hundred and eighteen sacks from Biloxi, would bring the total harvest for the State of Mississippi to thirty-five thousand nine hundred and fifteen sacks, or forty-two percent harvest of what we had estimated. We would recommend to close the reefs.

For Biloxi, or Area V, this area opened November 1st. There have been four hundred and fifty-nine trips, harvesting four thousand six hundred and eighteen sacks, and the average has harvested ten sacks per trip. The limit for this area is fifteen sacks.

That is a summary of oyster season.

COMMISSIONER BOSARGE: I just wanted to ask one question.

Lucille Morgan, CSR 1251
COURT REPORTER
(225) 394-9768

December 13, 2016
with best available science, what is staff's
recommendation?

ERIK BRUNSSARD: Recommendation would be to
close all reefs.

COMMISSIONER BOSARGE: Best available science?

ERIK BRUNSSARD: Yes, sir.

COMMISSIONER BOSARGE: Thank you.

COMMISSIONER GOLLOTT: Saying that, we have only
harvested what, forty-two percent of the marketable
oysters?

ERIK BRUNSSARD: Forty-two percent, yes, sir.

COMMISSIONER GOLLOTT: The Oyster Biologists I
have talked to say there is absolutely no reason to leave
full-grown oysters but there on the reefs. It does
absolutely nothing.

I'm not in favor of taking a lot of oysters, but
I am in favor of another season, but, before we do that,
we've got two fishermen who would like to speak.

JOHN LIVINGS: Good morning.

We worked a lot at St. Joe. We had a relay
permit and we worked the season there, but, as far as the
seven sacks per boat average, on my trip tickets, I
made my limit every day. Every single day I left the
dock, we made the limit.

They say is kind of thrown off, so they are done with
coming.

That's all I've got to say.

COMMISSIONER GOLLOTT: Thank you, John.

We had another request to speak, but you didn't
put your name on it.

ANDREW LIVINGS: I sure didn't. Drew Livings.

ANDREW LIVINGS: We are brothers, in case you all
didn't know.

I believe that in the new Biloxi area that has
opened, the reef is well sustainable for the remainder of
the season, from what I've seen. We have only touched the
tip of the iceberg in places.

The people that are getting them, we have gotten
them fairly early in a reasonable time because they are in
a fairly decent abundance. We have worked two little
spots on the reef. We have not covered the whole area
that you opened yet.

In my opinion, I believe there are enough
oysters there to sustain the season for the remainder of
the year.

Also, if we could get more of these other areas
possibly opened, like Graveline Bayou, and maybe see what
is involved in getting other areas open because the
fishing reefs that were built in 2008, they have oysters
and we should be allowed to catch oysters off of those
reefs.

I know they have boundaries set up on certain
reefs that were allocated for fishing, but the shells
would still be there. All we take are live oysters. The
stuff that is no good goes right back in the water to grow
more reefs.

I think we need to open more areas for us, also.

COMMISSIONER BOSARGE: I've got one question.

How do you think we are doing, as far as
managing the resource, right now?

ANDREW LIVINGS: Fair. I'm not going to say
good, but I'm going to say fair. More material needs to
be put back on the reefs because, in all these years, we
have been take, take, take, and you can't just put
material one year out of ten years; one year put some
material on the reefs. It has to be some sort of material
going back so the oysters will have something to stick to,
to grow.

COMMISSIONER BOSARGE: In your opinion, we are
building the resource, now, or it's in a rebuilding stage?

ANDREW LIVINGS: Yes, sir. It just needs more.
More material needs to be put on so that the reefs can
oysters and it is hurting our industry. It is killing oysters everywhere.

If there is something there to catch, go catch them because, if you try and save them, they are just going to die off, and then, you are going to have twice as much loss.

COMMISSIONER BOSARGE: The management strategy we’ve got is working.

COMMISSIONER GOLLITT: I don’t think so.

ANDREW LIVINGS: I don’t think so. It’s kind of on the shelf of it. We need some kind of management, but we don’t need -- I’ve got to watch what I say -- the type of personnel that is managing it. Their way is not working. We need some other kind of way, or something.

COMMISSIONER BOSARGE: Well, I don’t think the management folks have had a chance to put their management strategy forward.

We had an opportunity to vote on it here. I guess it’s been the better part of a year, and their strategy got voted down. We kept on maintaining the same strategy we have maintained for quite a few years now, and we are going to have this discussion later on this afternoon.

I think if we are going to let the staff here come up with a management strategy, we’ve got to let them lead.

Right now, I asked them what is the best available science, and they said shut it down.

ANDREW LIVINGS: I disagree with the shutting down part because all of our commercial fishing industry consists of more than five, or six, or seven members on a panel. There are four hundred people out there that need to go to work.

When you shut it down, if there are oysters there -- when the reefs start getting bad, the fishermen know, but, when you are out there and you go out there and are able to catch the limit in two hours, the reef is sustainable for work.

COMMISSIONER BOSARGE: When we shut down St. Joe which has been fished hard --

ANDREW LIVINGS: Right.

COMMISSIONER BOSARGE: -- did you get your limit?

ANDREW LIVINGS: Dredging?

COMMISSIONER BOSARGE: Yes.

ANDREW LIVINGS: I think we could because there are other spots out there other than St. Joe that just have not been worked because nobody wants to take the time to go expand out and look.

There are about five, or six, real fishermen
that go find a spot, but, when they see those four, or
five, fishermen there, the whole fleet gathers up on them,
and, then, nobody wants to go look and they just work that
area.

If the fleet would spread out and everybody
would cover our ten thousand acres of reef that we've got,
there is life out there.

COMMISSIONER ROSARGE: That was the suggestion I
have made two years in a row, I believe, that we shut St.
Joe down and, if they want to fish, they can fish other
areas. I believe it would actually help the reefs a
little bit.

ANDREW LIVINGSt: Right.

COMMISSIONER ROSARGE: To keep pounding that
same spot is not good.

ANDREW LIVINGSt: I agree with you on that. If
you are going to close St. Joe, close St. Joe, but leave
the rest of the reefs open so we can go and look and try
to find work.

COMMISSIONER GOLLOTT: Are you a St. Joe
fisherman?

ANDREW LIVINGSt: I'm an oyster fisherman,
period. I dredge and I tong. Any way they want me to
catch oysters, I catch them.

COMMISSIONER GOLLOTT: The fishermen down in

Bayou Caddy are telling me that there are still plenty of
oysters on St. Joe, and that's the reason we make y'all
cull them to three inches so we can leave the small
oysters out there for next year.

ANDREW LIVINGSt: Right.

COMMISSIONER GOLLOTT: Thank you, Drew. We
appreciate your comments.

ANDREW LIVINGSt: Thank you.

COMMISSIONER GOLLOTT: After consideration of
the staff's presentation and listening to these fishermen,
I would like to make a motion.

I move that all Western reefs be open from
December the 15th for five working days, not to exceed
December the 22nd.

I also move that we open the tonging areas in
the Pass only to be utilized when Biloxi Bay has bad
water, or something, or we have to move our fishermen.
It would just give them a place to work, if they
have to close Biloxi Bay because of rain, or something
like that.

If they both need to be closed down for rain,
then, that's another thing.

I would like to see us move some oysters down on
the tonging reef from the Pascagoula Reef so they would
have some stuff to tong and y'all could cultivate that

reef.

All oyster tonging would be closed everywhere
the 28th of February, the end of the season, but leave
tonging open until next February in Mississippi,
alternating between Biloxi Bay and Pass Christian.

I have a motion.

Did y'all understand that?

JAMIE MILLER: Who is working the board?

SANDY CHESTNUT: John is over here working.

JAMIE MILLER: Good to see you.

We need to make sure we get the motion correct.
The motion was to open the Western Sound for
dredging; all areas open for dredging -- what days would
it open?

COMMISSIONER GOLLOTT: The 15th.

JAMIE MILLER: -- the 15th through the 20th?

COMMISSIONER GOLLOTT: In other words, it would
be open for five working days. If we have a couple of bad
days, then, you can go all the way to the 22nd, but it can
only be open for five days.

JAMIE MILLER: Let's let John type that out.

You don't want specific days, just open on the
15th for five days?

COMMISSIONER GOLLOTT: For five days, yes, sir.

JAMIE MILLER: Open on the 15th, and it can go a

maximum of five days?

COMMISSIONER GOLLOTT: Yes, sir, but, if you
don't get your five days by the 22nd, then, it will close.

JOE JEWELL: Richard, does that include the area
between the bridges?

COMMISSIONER GOLLOTT: No.

SANDY CHESTNUT: If you don't have five working
days between the 15th and the 22nd, we are going to shut it
down on the 22nd.

COMMISSIONER GOLLOTT: Yes, ma'am.

JAMIE MILLER: Then, also part of that motion
was to open the tonging only when Biloxi Bay is closed?

COMMISSIONER GOLLOTT: Yes, sir.

SANDY CHESTNUT: Open tonging when?

JAMIE MILLER: In the Western Sound, when Biloxi
Bay is closed. It would basically alternate, I guess. If
Biloxi Bay was open, that would mean tonging in Pass would
be closed?

COMMISSIONER GOLLOTT: Yes, sir. That would
give our fishermen some place to work all the time,
hopefully, the tongers.

Can I get a second on that motion?

COMMISSIONER HARMON: Mr. Chairman, since our
commercial guy probably is not going to do this, I will
second the motion.
COMMISSIONER GOLLOTT: we have a motion and a second.

Any more discussion?

JAMIE MELLER: hold on. Sandy has one more question.

SANDY CHESTNUT: I thought we had a final closing day for all oyster tending, closed February 28th.

Is that what you said?

COMMISSIONER GOLLOTT: Yes, ma'am.

COMMISSIONER BOSARGE: I just want to make one more comment. Best available science, it seems like we use this, when it works best for us. Best available science says to shut it down.

ERIK BROUSSARD: It does.

COMMISSIONER BOSARGE: I want to make sure our environmental member hears that.

SANDY CHESTNUT: I just want to make a clarification on the tending.

You are saying that the Western Sound is going to be open when Biloxi Bay is closed?

When Biloxi Bay is open, the Western Sound will be closed?

COMMISSIONER GOLLOTT: Right.

SANDY CHESTNUT: So it will be alternating?

COMMISSIONER GOLLOTT: Alternating.

Joe Jewell: For clarification purposes, I want to make the commission understand that it will be open on a rotational basis, based on the management criteria, because it will be possible that both management criteria will shut both areas down.

COMMISSIONER GOLLOTT: Exactly.

JOE JEWELL: I just wanted to make that clear.

Thank you.

SANDY CHESTNUT: Thank you, Joe.

Any other clarifications, before we take a vote?

COMMISSIONER TRAPANI: Yes. I have a question just to make sure because I don't have a map in front of me.

That whole Western area does include St. Joe?

ERIK BROUSSARD: For the five-day dredging, yes.

The tending for February 28th, the tending line is from Bayou Caddy.

COMMISSIONER TRAPANI: Then, I have an amendment to the motion. I would say open, except St. Joe, because we feel like St. Joe is the one where it has been probably fished enough at this time. I think we should add that to the motion.

JOE JEWELL: Commissioner Trapani, to clarify that, you are saying Area I "B" which incorporates the St. Joe area?

COMMISSIONER TRAPANI: Right.

JOE JEWELL: Thank you.

COMMISSIONER GOLLOTT: Commissioner, you are closing down a large area.

Are you just talking about the channel, or are you talking about that whole area?

COMMISSIONER TRAPANI: Do we have a map?

I'm sorry. I don't have these maps.

ERIK BROUSSARD: I don't have a map.

COMMISSIONER TRAPANI: Not the channel around it, just that reef.

ERIK BROUSSARD: If you remember, at the last meeting, we had a question about how we have exceeded our estimates. They were fishing on areas that are not known as traditional St. Joe Reef. A lot of these oysters come from just area I "B". That area I "B" is where the forty thousand sacks of material came from in January. There was a considerable harvest in late 2015, as well as twenty-seven thousand sacks this year. In the last twelve-month period, area I "B", in general, has been worked pretty hard.

COMMISSIONER GOLLOTT: Let me say this, too.

The last time we opened it for thanksgiving, we had lost about half of the boats that went shrimping. They had taken their gear off and went shrimping. You didn't have as much pressure as was anticipated.

COMMISSIONER BOSARGE: This time, you think there will be more pressure?

COMMISSIONER GOLLOTT: I have no idea, but that's the reason we made them call them to three inches.

If those fishermen can't make sacks in a real reasonable period of time, they are going to go on other reefs and catch them.

We have a friendly amendment by commissioner Trapani.

Do we have a second?

COMMISSIONER BOSARGE: 21 second.

SANDY CHESTNUT: I think John has the amendment on the screen.

JOE JEWELL: Commissioner Trapani, to clarify, at our last meeting in November, I did discuss that two different times, at the very beginning, and then, you asked for clarification at the very end of the meeting.

If you will look at that sort of dark green area there in Area I "B", that's the light yellow and, then, there is a dark green area. That is St. Joe Reef, and, when we opened that area, the fishermen stayed on there for a few days, and, then, they moved off. That's where we usually get our assessments.

Most of the pressure occurred in the very first
days on St. Joe Reef proper, and, then, all the rest of that harvest we did, the forty thousand sacks in January, and, then, an additional twenty-seven thousand plus sacks for the rest of the year, those sacks occurred in that other large area off to the east and along that channel. The whole area has been worked pretty good. Not just St. Joe Reef proper, but the entire area has been worked pretty good.

COMMISSIONER GOLLOTT: One of the things that is being missed here is the St. Joe channel divides Mississippi and Louisiana.

JOE JEWELL: That's correct.

COMMISSIONER GOLLOTT: Who knows if some of these oysters are coming out of Louisiana?

JOE JEWELL: Well, I have faith in our Marine Patrol Officers.

COMMISSIONER GOLLOTT: I have faith, too, but, if we don't let our fishermen catch them, Louisiana will. Anyhow, we've got a motion and a second.

All those in favor hold your hand up, please.

JAMIE MILLER: We need clarification.

Is this the amended motion?

COMMISSIONER GOLLOTT: Amended motion, first.

JAMIE MILLER: The amended motion, I think Commissioner Trapani had a question about whether she was going with the entire area ---

COMMISSIONER GOLLOTT: That's a big area.

JAMIE MILLER: -- which included the reef, and, then, the whole area is the Reef and the rest of the area.

COMMISSIONER TRAPANI: Just the Reef.

COMMISSIONER GOLLOTT: Just the Reef, okay.

SANDY CHESTNUT: So you want to say all areas, except St. Joe Reef?

COMMISSIONER BOSARGE: I think she said I "B".

SANDY CHESTNUT: The whole I "B"?

COMMISSIONER TRAPANI: Yes.

RUSTY PITTMAN: Mr. Chairman.

COMMISSIONER GOLLOTT: Yes, sir.

RUSTY PITTMAN: We had this, I think, brought up in October. There is no way to enforce just St. Joe Reef. It would be too hard on the officers. That line is an invisible line. That would be a hard enforcement issue for us.

COMMISSIONER HAVARD: If we are going to shut down that area, it needs to be the whole area, not just the reef, for enforcement and for preservation of the oysters that we have left in that area.

COMMISSIONER TRAPANI: I guess I will rescind that because I don't want to cause it to be any more complicated than it needs to be. I can understand where the water doesn't have a fine line. There's not a white line. I would say that whole area, but we can let them fish all the other areas.

COMMISSIONER GOLLOTT: we have a motion and a second.

SANDY CHESTNUT: I'm sorry. The amendment is -- John can update the screen -- all areas except Area I "B". Is that correct?

COMMISSIONER TRAPANI: Yes.

SANDY CHESTNUT: Okay. Now, you can take a vote.

COMMISSIONER GOLLOTT: Ron, how do you vote?

Are you for keeping Area I "B" closed?

COMMISSIONER HARMON: Yes, sir.

COMMISSIONER GOLLOTT: Steve?

COMMISSIONER BOSARGE: I agree.

COMMISSIONER GOLLOTT: Jolyne?

COMMISSIONER TRAPANI: I'm in favor.

COMMISSIONER GOLLOTT: Mark?

COMMISSIONER HAVARD: I'm opposed.

COMMISSIONER GOLLOTT: And I'm opposed. We've got two opposed and three in favor. Motion carries.

Does anybody want to reconsider their vote?

(no response.)

JOE JEWELL: Thank you, Commissioners.

As we close out this year, we have one last presentation that is a State Record. It's a big one. Jon will be presenting this for you.

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

We have one new State Record up for consideration this morning. It is conventional tackle. It is a new record for our books. It is an Inshore Lizardfish, Synodus foetens. It is four point four one six ounces. The angler is Mr. Aaron Gautier. This is a Lizardfish. They are mainly caught in shrimp trawl bycatch (indicating photograph). This is Mr. Gautier. He is a resident of Pascagoula and an avid saltwater fisherman (indicating photograph).

Motion to adopt the new State Record?

COMMISSIONER BOSARGE: I make the motion we adopt the new State Record.

COMMISSIONER HAVARD: I will second the motion.

COMMISSIONER GOLLOTT: we have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?
Far in fiscal year 2017 they have had ten classes with seventy-eight students.

Marine patrol also participated in several special marine and community outreach events, including the Veterans Day Parade in Biloxi, Kids' Safety Day at Lynn Meadows Discovery Center and the Christmas on the Bayou boat parade in Gulfport.

We had other agency employees, as well as Marine patrol, that participated in Pathways 2 Possibilities.

This is an event for six lower counties, and they have six thousand eighth graders that come to the convention center. We had Marine patrol set up at Pathways. We also had Fisheries.

Matt Kasovich, Michael Fitzs and Daphne Moore participated from Marine patrol. From Fisheries, we had Megan Fleming, Jimmy Sanders, Emily Satterfield, Harron Wise and Jack Hulsey.

We also did get our calendars in for 2017. We have some at the back of the room. Everybody is welcome to take one, if they would like. Thank you.

COMMISSIONER GOLLOTT: Thank you, Melissa.

Do we have any other business to come before this Commission?

(no response.)

COMMISSIONER GOLLOTT: We have one public comment, Mr. Gilbert Ramsey.

Mr. Ramsey, you've got three minutes.

GILBERT RAMSEY: I understand, sir.

Good morning. My name is Gilbert Ramsey. I was recognized on November the 14th by the Harrison County Board of Supervisors for Enhancement and Recreational Opportunities. Enhancement and Recreational Opportunities is for senior citizens and the disabled community.

I have been introduced to the Pentagon by the VA Hospital. I'm going to the Pentagon to represent the hospitality state appropriately, Senior Olympic Games and Golden Age Olympic Games.

I initiate more amenities and options for the disabled community.

I'm looking at Cat Island. I'm looking at Deer Island. I'm looking at the islands.

I'm looking at those of them for activities.

I'm getting a BP contract. I'm going to leverage my partnership with this agency. I'm going to leverage this initiative to introduce appropriately for international recognition of the hospitality state.

I'm introducing this to higher education to the University of Southern Mississippi and for all universities incorporated in the state of Mississippi.
I'm stepping up to the plate, gentlemen. I'm going to hit a home run. I've got a BP contract for educational and recreational opportunities for the disabled community, Project 1273.

I have been networking, since 2012, to introduce this. No one has stepped up to the board. So here we go, ladies and gentlemen. I'm here. I'm here to represent this appropriately. I'm here to help us.

So, please, at your discretion, your capabilities step up.

Mr. Delbert Hosemann represented me appropriately. I'm handling this with everyone's discretion.

Please understand this positive outreach to implement this appropriately for our hospitality state to be recognized internationally.

Thank you very much for your attention.

Any questions?

COMMISSIONER GOLLOTT: No, sir. Thank you.

GILBERT RAMSEY: I will be looking forward to this letter of introduction for this presentation.

COMMISSIONER GOLLOTT: If we don't have any other business, can I get a motion to adjourn?

COMMISSIONER BOSARGE: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion to adjourn.

Second?

COMMISSIONER HARMON: So seconded, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Adjourned.

(Whereupon, at 10:15 o'clock, a.m., the December 13, 2016, meeting of the Commission on Marine Resources was concluded.)

December 13, 2016