COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

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

Commission Members:

Richard Gollott, Chairman

Shelby Drummond, Vice Chairman

Steve Bosarge

Ron Harmon

Also Present:

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

Lucille Morgan, CSR 1251
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(228) 396-8788

COMMISSIONER GOLLOTT: I would like to call this meeting to order and welcome everyone to our regular meeting.

First thing on the agenda, we are going to have the Pledge of Allegiance. We will ask Jamie Miller to lead us in the pledge.

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER GOLLOTT: Next on the agenda is approval of the minutes.

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

COMMISSIONER DRUMMOND: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER BOSARGE: Second.

COMMISSIONER GOLLOTT: Everybody in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Next we have approval of the agenda.

Do we have any modifications, or do we have a motion to approve it?

COMMISSIONER DRUMMOND: I make a motion we

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approve the agenda, Mr. Chairman.

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: All opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Next we have the Executive Director's report.

JAMIE MILLER: No report, Chairman.

COMMISSIONER GOLLOTT: Thank you, sir.

Next we have Marine Patrol.

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

Before we get into the report, I wanted to talk to Commissioner Bosarge about something he mentioned last month on the dogs.

We hope to have, in the near future -- probably won't be next month -- Alabama bring their two dogs over. They have two and they said that they would be glad to bring them over and let them demonstrate how they work; hide some fish filets and let them find them for y'all. So we look forward to that.

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COMMISSIONER BOSARGE: That's good. I appreciate that. I think it would be a very useful tool. We will see how it goes.

RUSTY PITTMAN: They were donated by Auburn University.

COMMISSIONER DRUMMOND: Did Auburn train them, Rusty?

RUSTY PITTMAN: They are trained in Europe.

COMMISSIONER DRUMMOND: Europe?

RUSTY PITTMAN: In Europe. They are Cocker Spaniels.

COMMISSIONER DRUMMOND: We don't have the same fish here that they've got in Europe.

RUSTY PITTMAN: They must have sent some over there.

This month's report, if you will look, there is not really much on it that just stands out.

On the second page, "No Seafood Dealer's License", those were roadside vendors, and I will have to mention somebody that made one of those cases. He happens to be sitting at the table over here. Chief Davis made a case on a roadside vendor with no seafood dealer's license. It shows everybody in Marine Patrol is working.

We only had four JEA patrols, mainly due to the weather conditions we had last month.

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Another one on page three, y'all may see in there about the hunting violations. That was called in to us by Biloxi PD, and we sent an officer out there and they made the arrest on that.

Any questions?

COMMISSIONER DRUMMOND: I've got one, Rusty.

On "Oyster Violation Citations", number one, why have we got nineteen in FY 15 and eight in FY 16?

RUSTY PITTMAN: FY 16, we are in fiscal year 16, right now. So far, only eight violations with the oysters.

In fiscal year 15, last year, we had a total of nineteen at this time.

COMMISSIONER DRUMMOND: One other question, Rusty. On "Miscellaneous Commercial Seafood Violation Citations", we've got more in FY 16 than we had in FY 15.

RUSTY PITTMAN: That is probably due to some of the seafood shops that hadn't been checked before north of the three coastal counties had some violations and that added into that.

COMMISSIONER DRUMMOND: I don't know whether I've got any more questions, or not.

COMMISSIONER GOLLOTT: Thank you, Rusty.

RUSTY PITTMAN: Thank you.

COMMISSIONER GOLLOTT: Next we have Mr. Joe

Jewell, Marine Fisheries.

JOE JEWELL: Good morning Commissioners, counsel, Director Miller.

Before we get into the agenda, I would like to make a couple of announcements.

First, I want to recognize the Shellfish and Seafood Sanitation Bureaus for accomplishment they have made this year.

The Vibrio Management Plan was found in conformity with the FDA Shellfish Sanitation Guidelines and the Shellfish Sanitation Program which is a milestone for our agency and the State of Mississippi. Both programs were found in conformity with the National Shellfish Sanitation Program which is a great accomplishment.

Particularly, I want to call out the Vibrio Management Plan. In reviewing the elements of the program, I have been here going on two decades and this is the first time I have seen that every element that was evaluated in the program reached the superior standard. I think that is the first time, in the history of our agency, that has happened.

I want to thank Ms. Ruth Posadas and Mr. Scott Gordon for the excellent work they do on behalf of our agency and the State of Mississippi.

Next, I want to inform the Commission that this past February the 3rd, we established the third task force in the history of our agency. It's the Mississippi For Hire Task Force.

As you know, the history of these task forces are to increase the interactions of the task force with the DMR and with the Marine Commission. It is an exchange of information between these user groups and our agency to make them aware of Federal and State Rules and Regulations that impact their user groups.

I want to acknowledge the members before the Commission.

The MDMR representative is Mr. Matt Hill from the Finfish Bureau.

I'm going to call out the particular members that represent their groups within the For Hire Task Force.

Mr. Clarence Seymour, he's a Federal Charter and was elected Chairman that Wednesday night.

Mr. Mike Foto, he's a Federal For Hire Charter member.

Mr. Jay Trochesset, Federal Head Boat Multi-Passenger member.

Mr. Mike Adams, Non-federal Charter.

Mr. Mark Miller, Non-federal Offshore Charter.

Mr. Sonny Schindler, Non-federal Inshore Charter.

Mr. Randall Broussard, non-industry member.

Mr. Jack Ewing is our Marine Patrol member.

There will be, also, technical advisors to the For Hire Task Force. Several of those will include Dr. Paul Mickle and Ms. Carly Somerset from the DMR. I also serve as a technical advisor to the task force and helped establish the task force that Wednesday night.

I want to congratulate this new user group task force.

I also want to give the Commission an update on the commercial quota. We have just started off most of the three commercial quotas. For spotted seatrout and flounder, there are no really important numbers I can give the commission so far. For red drum, we have reported just over nine thousand pounds.

With that being said, we will go into the first Commission item for Marine Fisheries.

The first agenda item will be presented by me. It is an update on the Bonnet Carre Spillway.

These are just a few selected pictures to give you an idea of the actual spillway.

This is a picture of the spillway with the gates being open.

This is the Mississippi River side of the spillway.

This is the raceway that, when open -- you see the gates are open -- runs off into Lake Pontchartrain.

This is an overview of the spillway. This past January is the eleventh time the spillway has been opened. It has been opened three times, since 2008. It was opened in 2008, 2011 and 2016.

An overview of the 2016 opening. It was open on January the 10th. It closed on February the 1st, for an opening total of twenty-three days. The maximum gate opening was two hundred and ten out of three hundred and fifty.

This is a chart that shows the actual opening by days and the bays that were open and the amount of water that passed through per day.

On your left is an analysis of comparison between 2008, 2011 and 2016. 2008, it was open for twenty-nine days. 2011, it was open for forty-three days. 2016, it was open for twenty-three days.

The bay openings, again, respectively was a hundred and six, three hundred and thirty, and two hundred and ten, and these were the maximum days of cubic feet per second of water flow.

You can see, in January of this year, it was two

hundred and three thousand, and that occurred on January the 17th.

I want to give a little bit of background, as we move through the presentation, on factors that impacted the opening of the Bonnet Carre.

One of the significant factors that reduced the pressure on the opening of the Bonnet Carre this time around was the opening of the Old River Complex. That occurred on December the 30th.

The Old River Complex is a series of structures that occur on the Mississippi River that divert the flow and it is open three hundred and sixty-five days a year.

This structure right here, the hydrologic station is open year-round and diverts the flow through the outflow channel into the Atchafalaya River.

The Overbank Structure is what opened on December the 31st and diverted a significant amount of water through the Atchafalaya River down through the basin area.

That structure geographically is located up above Baton Rouge. The water was diverted down here. You will see, in the satellite imagery, the outflow that occurred (indicating slide).

Additionally, the Pearl River, if you will note, this is between early January and just after the gates

were closed. The Bonnet Carre was opened here on the 10th and closed on February the 1st. You can see that the Pearl River stayed below, or right at, the ten-foot stage, but somewhere towards the end of January, it rose above -- fourteen foot is the flood stage, and it remained above flood stage until late this past Sunday, or Monday morning.

I want to point out the U.S. Coast Guard gauge at St. Joe also reflected this relationship. Again, somewhere around January 9th through towards the end of January, salinity levels remained low. You will see that January 10th is when Bonnet Carre was open and around February 1st it closed.

We want to look at some satellite imagery during the opening of the Bonnet Carre. This is the Atchafalaya basin here. You can see significant amounts of sediment that are going through the Atchafalaya basin. This is the opening, the day after the Bonnet Carre. You can see very small amount that is occurring. You can see in the Mobile Bay area there is a lot of sediment. It is a little cloudy, but there is a lot of sediment coming out through the mouth of the Mississippi, again, through Atchafalaya.

We are getting towards the mid point of the opening of the Bonnet Carre. Again, significant amounts of sediment outflow through the Atchafalaya basin, the

Mississippi River delta and here in lake Pontchartrain. Again, you can see a lot of this drifting offshore off the shelf area.

There is some mixing occurring, as we are getting towards the end of the event. You can see it moving up into the St. Joe area, but it is moving through the Breton and Chandeleur Sound moving more offshore.

Then, towards the very end of the event, you see significant amounts of outflow through the Atchafalaya basin, the Mississippi River delta and through Lake Pontchartrain, mixing and moving offshore through the Chandeleur sound.

We established a series of monitoring stations, our existing stations and we established our EXO-Datasondes. These were stations that we put out and monitored certain environmental conditions, like, salinity and temperature. These are the red dots. We did monitoring stations for finfish and oysters, and our hydrological water stations are existing (indicating slide).

This is a map that just shows EXO-Datasonde data.

I'm going to show you, in the next couple of graphs, this station and this station. This station right here was removed due to the Oyster Relay Program for a

couple of days, and it will reflect on the graph (indicating slide).

This is the station that was at Henderson Point. You can see it dropped significantly, during the opening of the Bonnet Carre and, again, when the Pearl River began to rise, and, then, conditions resumed relatively normal, after the Bonnet Carre closed, but, then, the Pearl River began to flood. It reached about a fourteen foot stage (indicating slide).

This is at the St. Joe Reef site. This is where I mentioned we removed the Exo Sonde for the relay program, but, again, we are seeing the same general trend at that site, although we had lower salinities. Again, after the Bonnet Carre closed, it resumed to relatively normal conditions, but, then, the Pearl River began to flood (indicating slide).

Any questions?

COMMISSIONER BOSARGE: I guess, in summary, we escaped really getting harmed?

JOE JEWELL: I think so. I think, at this point, it is initial findings that we are dealing with. A lot of the data that we had for our sampling stations is still getting analyzed. It is still coming in, but, from what we have right now, the event is looking more like 2008 and not 2011.

COMMISSIONER BOSARGE: That is good. The satellite pictures were amazing. That is some technology where you can really see it. Looks like they actually let go a whole lot more water on the other side of the river than they did this side.

JOE JEWELL: I think that had a significant impact on the harm that happened on this side of the river, when they opened the Old River Structure. It significantly reduced the pressure on the Bonnet Carre Spillway.

You always have to prepare for the worse case scenario.

COMMISSIONER BOSARGE: Oh, yes.

JOE JEWELL: We had no indication of how much water was going to come, or how much would pass through the Bonnet Carre.

It's sort of like a hurricane. When you get a forecast of one coming, you have to prepare for the worse case scenario and hope for the best, and that's what we did.

COMMISSIONER BOSARGE: Great.

COMMISSIONER GOLLOTT: Does anyone else have any questions?

(No response.)

JOE JEWELL: Before we move on to the next

agenda item, there is one other thing I want to address.

We have a lot of oyster fishermen out in the audience today, and I know they, at least, have one question on their mind. It's a question that I have been asked a lot over the last week, or so.

I think one of the things they want to ask, we are going to address in one of our presentations later, but I will mention that we do intend to open the regular oyster season, as soon as conditions allow.

We did pass through the ELISA test and the Mouse Bioassay test successfully. The way we are managing the reefs, under our normal management conditions, are river stage and rainfall. The river stage has dropped significantly, under our management criteria.

We did go out and water sample yesterday, and those results are pending. We do intend to go out and water sample again tomorrow.

We are anticipating the river stage rising again because of the front that moved through yesterday and dumped significant rainfall into the Pearl River water basin, and we did have significant rainfall in a couple of our water gauges that exceeded two inches. That is not the best of news for the fishermen who are trying to get back to work.

The good scenario is that we are managing our

oyster reef areas, under our normal management criteria.

As soon as river stage and rainfall indicates that we are able to open the areas again, we do intend to open those areas.

We have been out water sampling. We were out yesterday which was a holiday. It was a significant weather event that passed through, but we were out water sampling and we do intend to be out again water sampling tomorrow.

I just wanted to update the fishermen who are out and are likely going to ask that question.

COMMISSIONER GOLLOTT: Joe, your best guesstimate, if everything goes right, as to when oyster season could open?

JOE JEWELL: Well, that is kind of a tough question, right now.

COMMISSIONER GOLLOTT: I know.

JOE JEWELL: The Pearl River is dropping. It is below flood stage, but I don't know how much rainfall went into the Pearl River basin which will be coming down river. There was a lot of rainfall that occurred in the Jackson area, and that will be coming our way. I do anticipate the river rising again, but how much of a rise, I don't know.

I know that we did exceed the two-inch criteria

in a couple of our rain gauges, but how significant of an impact that will have, I'm not really sure.

Certainly, towards the end of this week, or early next week, we will likely be able to open the oyster season.

Remember, we were at about thirteen thousand sacks, in this season. So we are still at a very low number, and there is a significant opportunity for the fishermen to be back out harvesting again.

COMMISSIONER DRUMMOND: Joe, if you do open it, when are you going to close it?

JOE JEWELL: I will update the Commission on that. At the November meeting, the Commission established a thirty-five thousand sack quota, with fifteen and ten, dredging-tonging moratorium.

Then, the Commission met again in special session in December and sort of belayed those criteria and allowed the Executive Director to establish those criteria as necessary, or as the resource mandated.

We haven't decided that yet. We haven't made those decisions. The Executive Director has that authority. The Commission gave him that authority in December, but we are still at a very low number, Commissioner Drummond. We are still only at thirteen thousand. So there is the significant potential for the

fishermen to make a living at this, once we open back up.

COMMISSIONER DRUMMOND: Don't you usually close it in April?

JOE JEWELL: We normally close in April, yes. That's when the tide and temperature matrix kicks in.

COMMISSIONER DRUMMOND: Thanks.

JOE JEWELL: With that being said, we are going to move on to our next agenda item which is an update on the Oyster Restoration Program by Mr. Erik Broussard.

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

This morning the Shellfish Bureau has an update on the Oyster Restoration Program.

At the December 23rd, 2015, special CMR session, the Commission directed MDMR staff to develop an Oyster Restoration Program.

In response to this directive, the MDMR, in coordination with the opening of the Bonnet Carre and the current Red Tide event, developed an emergency relay program from area 1B, or the St. Joe Reef area.

We utilized the 2011 Bonnet Carre Federal Disaster Grant money and with that came some program eligibility requirements.

Participants must have had a license in 2011-12 and a license in one of the following three years; the 07-

08, 08-09 and 09-10 seasons.

Participants also had to reflect effort in the Trip Ticket program.

MDMR conducted public eligibility meetings on January 13th. Two sessions were held; one at 9:00 a.m. and one at 5:30 p.m. Approximately, one hundred and ninety people participated in the morning session and, approximately, fifty people participated in the evening session.

Prior to the meeting, staff estimated, approximately, two hundred and fifty could be eligible, and a hundred and fifty-five were found eligible for the program.

Here we have some aerial photos that were taken during the relay. This is on St. Joe Reef. You can see the heavy concentration of boats on top of the reef.

Totals. The program lasted three days, January 18th through January 20th.

Again, we had a hundred and fifty-five enrolled, with ninety-five fishermen participating.

They transferred thirty-nine thousand two hundred and sixty-four sack of material to other reefs in the Mississippi Sound.

Here we have a map of the Henderson Point and Pass Christian Reef complexes. We transferred,

approximately, twenty-four thousand sacks of material to these areas.

We have two sites located on Henderson Point, one site located on Pass Christian dredging, and two sites in the tonging box (indicating map).

We transferred an additional fifteen thousand sacks to the mouth of the Biloxi Bay area. You can see the light blue shaded area is a historic reef and we are currently in the process of reclassifying this area as conditionally approved. We would like to see future harvest in this area (indicating map).

Any questions?

COMMISSIONER GOLLOTT: Erik, has anyone checked those oysters, since they were planted off of Ocean Springs?

ERIK BROUSSARD: We have, and they look like they are doing well. It's a good bottom in that area. Like I said, it's a historic reef, and we are confident of their survival.

COMMISSIONER GOLLOTT: Some of that product was loaded up with muscles.

Have the muscles started falling off of them yet?

ERIK BROUSSARD: No. With all the rain we have been having, the muscles are still attached.

COMMISSIONER GOLLOTT: Does anybody else have a question for Erik?

(No response.)

COMMISSIONER GOLLOTT: Thank you.

ERIK BROUSSARD: Thank you.

COMMISSIONER GOLLOTT: At this time, let me stop it here and take public comments. Catfish Miller wanted to say something.

Would you come to the podium, Catfish, and state your name?

JAMES MILLER: James Miller, a long-life fisherman.

I'm really concerned. I'm glad y'all let us speak about this program we just went through. It was a very good program. I think we need to have more of them, especially on our down time with this Pearl River.

I'm glad Joe Jewel showed us about the Pearl River. We have been plagued with it for a long time.

I think we need to move some of our focus to the east and figure out where we can harvest to the east, instead of us being down during the winter months for long periods of time.

We are struggling as it is, with all these disasters we've been having back-to-back, and, as a fisherman, I'm feeling the pressure and I don't think that

I should be feeling this way because I love to work and my industry has been plagued.

If all these people can put their resources to the east, on this downtime, to figure out where we can work in Pascagoula, Jackson County, dredging reefs, I'm sure we can adjust to it and we are willing to adjust to it, instead of being in Pass Christian, Henderson Point, Bayou Caddy, St. Joe, all these reefs that have really been beaten down over the years, and we can give them a break.

We will go to the east and work because we are willing to work. If there are any programs that are coming, we need them, if it is even churning the bottom, hauling sacks.

I know we had a lot of problems with boats sinking. It is going to happen, when you put that many people on that reef out there.

I'm lost for words. If there is a Commission that wants to back these fishermen up, now is the time because we are struggling. This is an industry that is trying to come back from devastation, from back-to-back disasters.

We want to be heard. We want to work. We don't want to get out of this industry and suffer.

I've been doing this all my life, since I was

four years old, and this is the worse I have ever seen oystering.

I just hope that our Commission can put together something for us soon because we've been off already two, or three, months with the algal bloom out here. I mean, this has hit us hard. We just need some help for us to get through these hard times.

I speak for Vietnamese, black people, white people. We are here, and this is our industry.

I'm not going anywhere. I plan to retire fishing, and I want to see us do something for our future.

I just appreciate being allowed this time and thank y'all.

COMMISSIONER GOLLOTT: Thank you, Catfish.

Next we have George Stors (phonetic).

GEORGE STORS: George Stors, oyster fisherman seems like for a thousand years, but only about forty-something.

Catfish had a good little speech this morning. I'm proud of him, but I need to reiterate on a few things he did say that we really do need to go ahead on.

I would like to ask is that you guys -- and I know you know this, especially Director Miller -- tell me what the tongers are going to be involved in, like, what phase, when are we going to do it.

There are a couple of other things I need to ask.

Do you want me to go through everything I need to ask, and, then, you will address this?

JAMIE MILLER: George, yes, you can ask whatever you want, and, if we don't get to all the answers, I will be glad to spend some time with you after the meeting.

GEORGE STORS: Everybody that has ever come up here that was a fisherman said, look, we don't want a check. We just want to work.

If the money is going to be here and it is Federal money and it is for a disaster and it should have been for the fishermen, I think it is, and, if we are not going to be able to participate in this thing in a parity way, in a way that is equal and well between us all, then, I would be for writing a check, but I know we can't do that because our laws are screwed up and they are not ever going to do that, but I'm with Harold on that part, and I'm sure some of these other guys will go ahead and do that, and not just say, look, I want to work and don't give us a check.

We would rather work, but, if we are not going to all be able to participate in this thing, then, I will go the other way on it.

I just need you to explain to me what we are

going to be involved in as a tonger.

There is one other thing about that Pearl River, Joe. There is a fabulous plan in place, but it was written way back, and I was just a little baby in the business, but I knew what it would do, that it would impact us fishermen and it would take us out, take us down, and that is what it has done.

I believe you need to take this Pearl River part of this plan and really, really work hard on it, as far as this flood stage part, and we need to work on just the bacteria end of it because the flood stage happens, even when it is not raining, or flooding, up there because they dump that Ross Barnett Spillway. They just dump it, when they get ready. It's the Corps of Engineers. If you guys could work with the Corps of Engineers, we wouldn't ever have this problem, but you have got to get with them and make the Feds stop dumping this water and raising that thing up, when it's the very time -- we could have been working all last week, if it wasn't for that. I'm sure the bacteria levels would have been down.

I know that the bacteria levels do climb, when you've got a high river, but they don't climb for a long time, until that water gets down to where it needs to be, and that's where you've got the check stations at, but I think we need to work on that plan.

If you will just clue me in about what we are going to do about that other stuff, I would be glad to hear it. Thank you.

COMMISSIONER GOLLOTT: Thank you, George.

JAMIE MILLER: Thank you, George.

COMMISSIONER GOLLOTT: Joe Jewel.

JOE JEWELL: Thank you. We are always thankful to hear from our fishermen.

The next agenda item is the Red Tide update by Ms. Kristina Broussard.

KRISTINA BROUSSARD: Good morning.

The Shellfish Bureau has an update for you on the harmful algal bloom, Karenia brevis, that caused the Red Tide across the Mississippi Gulf Coast.

To date, we have two hundred and sixty-three samples that we collected and identified.

We started looking for Karenia brevis on November 10th, when we received word from the Alabama state authorities that the cell counts were high in their area.

Our first citing of Karenia brevis, in Mississippi waters, was on December 1st.

We started conducting cell counts on December 10th, and, then, our last official citing of Karenia brevis was January 6th.

From January 6th to January 9th, we had three

coast-wide series of cell counts that showed low to no presence of Karenia brevis.

At this point, we were able to move forward with a two-step process to examine the oyster meat for toxicity.

The first step in that process was the ELISA test. This is an Enzyme-Linked Immunosorbant Assay test, and it is strictly used to pre-screen the oysters for the presence, or absence, of brevetoxins. This test was conducted at the Dauphin Island Sea Lab in Alabama on January 13th.

We collected seven meat samples from Pass Christian dredging and tonging reefs, Pass Marianne Reef, St. Joe Reef, St. Stanislaus Reef, Between the Bridges, and Henderson Point Reef.

These meat samples show that there were levels well below the FDA guidance level of eight hundred parts per billion.

Then, we were able to move forward with the second step of the process which is the Mouse Bioassay. Essentially, this is a Neurotoxic Shellfish Poisoning Bioassay.

We collected six samples and sent them to the Florida Fish and Wildlife Conservation Commission in St. Petersburg, Florida, where they received the samples and

processed them for the bioassay.

At that point, the FWRI was backed up with their own state samples and they partnered with the Resource Access International in Brunswick, Maine, to complete the Mouse Bioassay.

We had six locations of oyster meat samples that we collected; Pass Christian Dredging and Tonging Reefs, St. Joe Reef, St. Stanislaus Reef, Between the Bridges, and Henderson Point Reef.

All of these samples came back clear of the biotoxins. The mice survived the test which means that there was less than twenty Mouse Units per one hundred grams of oyster meat.

This is a map of the six locations where we collected meat samples for the Mouse Bioassay.

Then, just to go over the model Ordinance:

The closed status of an oyster reef shall remain in effect until the Authority has data to show that the toxin content of the shellfish in the growing area is below the levels established for closing that area, and the levels established by the NSP are five thousand cells per liter, or less, and twenty Mouse Units per one hundred grams of oyster meat.

With the zero cell counts, the ELISA Tests that were well below eight hundred parts per billion, and the

Mouse Bioassay which was below the twenty Mouse Units per one hundred grams of oyster meat, we officially have the event behind us.

Any questions?

COMMISSIONER BOSARGE: I have one.

COMMISSIONER GOLLOTT: Go ahead.

COMMISSIONER BOSARGE: Just out of curiosity, about how long did it take for the oysters to shed themselves of the toxin?

KRISTINA BROUSSARD: It usually takes about thirty days for them to filter the toxin.

COMMISSIONER BOSARGE: Is that about the time period we had there?

KRISTINA BROUSSARD: It is about that time.

COMMISSIONER BOSARGE: Thank you.

COMMISSIONER GOLLOTT: Joe, let me stop you one more time.

Ms. Thao Vu would like to say something.

Would you come to the podium, please?

THAO VU: Thao Vu, with the Mississippi Coalition for Vietnamese-American Fisher Folks and Families.

Good morning Director Miller, Commissioners, Ms. Chestnut. Good to see everyone again.

I would like to speak on the Oyster Restoration

Program.

First of all, thank you for giving some update information in the PowerPoint presentation and slides, but I do want to reiterate some of the concerns I expressed earlier.

The Emergency Oyster Recovery Program, all the fishermen that are back there -- there are at least twenty-five fishermen, multi-ethnic group of Vietnamese and Caucasian -- they didn't think there was really adequate planning time and preparation, and the implementation was not well executed either because there was a lack of planning time and there were a number of issues, as a result.

There are serious concerns that we have, and we really would like the Commissioners and the DMR staff to please, please help these fishermen who have been suffering so hard to have some livelihood sustainability.

They have been fishermen for decades. They come from multi-generational families of fishermen for many, many decades, and the path they are on is not very sustainable.

I have expressed this many times that the past six years, with all these disasters, they haven't been able to harvest seven months combined. No one could survive like that, none of us can.

There must be equal opportunities and access for everyone.

Why were the tonging boats not allowed to work, during the recent program?

There was a role for them. There could have been a role for them.

How come everyone wasn't using the same size equipment, even though this agency had implemented regulations stating that dredges must be a hundred and fifteen pounds?

Why were some boats allowed to use the heavier dredge?

Equal opportunity. Fairness. It should be fair. It should not be favored because one group is more affluent, or more politically connected.

Who has been most impacted by this?

It's the fishermen. They and their families for decades have contributed to this local economy and the state economy, the regional economy, and the national economy. The seafood industry, they are the backbone of this.

We strongly, strongly recommend for this agency to get on the path of restoration, real genuine oyster reef restoration.

Last month, at the public meeting, Mr. Joe

Jewell himself gave a presentation that I have in front of me. It's called The Oyster Restoration Program.

Thank you for providing it, Mr. Gollott.

The Commercial Oyster Recovery and Relay Program, we think that program should be implemented in a month, or a month and a half. With adequate planning time, we think that is on the path of restoration.

Just like Mr. Miller said earlier, allow the fishermen to go out and cultivate and dredge those reefs that have not been harvested in many decades and break up those clumps of oysters, and those reefs will become more viable and they will have a sustainable livelihood. Thank you.

COMMISSIONER GOLLOTT: Thank you, Thao.

Do we have any comments?

COMMISSIONER BOSARGE: A question for Joe.

Do we have any plans for some sort of a relay program for the tongers maybe?

JOE JEWELL: Well, as Ms. Vu mentioned, these monies were the Bonnet Carre Spillway Federal Disaster Dollars. It's a five-year program.

It is not our intent to use all of the dollars outside of the program mandates. We have a plan that we are going to use the dollars over a five-year period.

We certainly used the funds for this relay

program and, as I mentioned before in a presentation before the Commission, when the Commission asked us to develop an oyster relief program, we had to do that quickly, in advance of the Bonnet Carre Spillway opening.

COMMISSIONER BOSARGE: I think everybody understands that.

JOE JEWELL: Most everybody understands that.

COMMISSIONER BOSARGE: Pardon?

JOE JEWELL: I said most everybody understands that.

COMMISSIONER BOSARGE: In the scheme of things, maybe it benefitted one sector of the fishery more than it did the other; that is the dredgers versus the tongers.

JOE JEWELL: I think they benefitted more than others, but we did not intentionally, or directionally, not allow tongers.

We did allow tongers to participate. We found tongers eligible and we did allow tongers that could find other boats, or vessels, to substitute as vessels.

I think what Ms. Vu was trying to say was that had there been enough time more tongers would have found more vessels and been able to participate more equally than dredgers did, and that probably is a true statement.

COMMISSIONER BOSARGE: I agree.

I think there are some opportunities for us to

take some of that disaster money and use it in places where there can only be tongers, maybe Graveline, or some places like that, where we could do some relays and restoration.

JOE JEWELL: In that particular segment of the grant where we implement the rest of the funding with that five-year program, when we are not facing an issue like the opening of the Bonnet Carre Spillway, we do intend to represent the segments of the oyster industry more fairly and more openly.

It was just at that particular time, when we were facing a disaster that was impending on an industry, that we were trying to do the best we could with the time frame that we had and the momentum that we were facing with that particular event, but we didn't intentionally, or segmently, restrict access to the program.

We will certainly do a much better job with that in the future.

COMMISSIONER BOSARGE: I guess most of your point is, when we did this relay, it was because of a possible disaster to the environment, and I think now it is more a possible disaster to their livelihood.

If we could move towards some type of a relay program that would involve more of the tongers, I am sure they would appreciate it.

JOE JEWELL: Absolutely. Sure.

COMMISSIONER GOLLOTT: Joe, let me address the oversize dredgers.

The Commission did pass an emergency measure to let people use the size dredges that they had on their boats, but all the fishermen could have used the larger dredges at that time.

The reason I'm saying this is that I got dressed down, by a lady on the phone, pretty good on this, and she accused me of my family being able to use the larger dredges, and I assured her I had no immediate family involved in this whatsoever.

Everybody was treated equally. The tongers, we need to do something for them, I agree, but the dredgers were treated equally, as far as dredge sizes and the amount of oysters they could catch and such as that.

JOE JEWELL: They were, but I think Ms. Vu's point is that the information that got out probably didn't get out as efficiently and wasn't distributed as equally as it possibly could be, and I'm not disagreeing with that point.

The point I'm trying to make is that we were trying to react as quickly as possible to an event that was beyond our control. We had no say, or input, to the opening of the Bonnet Carre or to how many gates were

going to be open. We were just reacting to an event that we had no control over.

While I recognize Ms. Vu's input and I do appreciate her comments, we were reacting to an event and trying to provide a program with as equal access as we possibly could under the conditions that we were given.

To her comments, I think they were fair comments. We are certainly going to take those under consideration, when we implement the other segments of the 2011 Bonnet Carre Disaster Grant. They were fair comments, and we are going to consider those absolutely.

JAMIE MILLER: Let me add one last comment because I believe we did act quickly and we did not have the time we normally would have wanted to plan.

One of the major obstacles to contracting with the fishermen directly -- and we heard this a lot, in the public meetings we had on that Wednesday -- is that the State does not currently have a mechanism for us to contract with individual fishermen, without requiring liability insurance, which is just a real barrier.

Even in this instance, we made people eligible to participate in the program, but we ultimately did not contract with any one individual fisherman, dredger, or tonger.

It is true that we made tongers eligible for the

program, and some had the means to get other boats, or other ways to participate in the program; some did not.

Any future program that we have, we absolutely have been trying to put together what that would like that would include tongers.

I want to remind everybody, we still don't have a way to directly contract with the fishermen.

Even if we have a program, or a project, that would include tongers, that type of work, we still have to overcome how do we make it inclusive for all to participate, without directly contracting with them.

I don't want to leave that out. It is an obstacle we are dealing with, but I believe we have listened in each of these public meetings. I have met with Ms. Vu on a few occasions, and we absolutely are trying to do a program that is inclusive, but, at the same time, spends the money wisely in that we get the biggest bang for our buck in the recovery. Thank you.

COMMISSIONER BOSARGE: Did we learn anything, or any means of being able to maybe not contract, but to hire fishermen, with the relay that took place?

JAMIE MILLER: What we ended up doing was contracting with the licensed dealers that could buy the sacks of oysters. So we had contracts with five dealer-processors and, in the contract, it specified how much

they would pay for a sack of oysters and who they could buy from.

You had to be an eligible participant in the program to sell the sacks of oysters and to be on the reef, and, then, we specifically mandated in the contract how much they would pay per sack. That's how we kind of worked around it.

COMMISSIONER BOSARGE: Do you see us being able to use that formula for any other relays?

JAMIE MILLER: I think we are going to have to be creative in that way and the dealer-processors themselves also have to be eligible through the grant process. They also have to meet the criteria of the grant. That is the other governing factor.

COMMISSIONER BOSARGE: Too many steps. Thank you.

JOE JEWELL: For our final presentation, I want to make sort of an opening statement for the Marine Commission about the Stock Assessment Panel. That is what is driving this issue and what is driving the data and what is driving this presentation.

The joint DMR and GCRL Stock Assessment Panel was formed in January of 2013, in response to the CMR's request for more reliable and updated information on which to make a more informed management decision.

The purpose of the panel is to conduct stock assessments of the State of Mississippi's marine fisheries, provide scientific support for the Commission on Marine Resources, and advise the Commission on marine fisheries management issues.

Here are some of the specific charges of the Stock Assessment Panel:

Identify stocks in need of assessment, in collaboration with the Commission.

As the Commission may recall, one of the first tasks that the Commission assigned to the Stock Assessment Panel was the red drum escapement rate, and, then, of course, the first true stock assessment is the spotted seatrout.

Second, the evaluation of scientific data available and identify data gaps.

Next, address data inadequacies.

Evaluate current assessment models.

Finally, conduct assessments and present the results to the Marine Commission.

I want to sort of give you the membership of the Stock Assessment Panel.

From the Department of Marine Resources, Matt Hill and Dr. Paul Mickle.

From GCRL is Dr. Robert Leaf and Ms. Jill

Hendon.

Technical advisors to the Stock Assessment Panel are, from GCRL, Dr. Read Hendon, and from DMR, myself.

As the Commission may remember, the spotted seatrout stock assessment, the Commission had requested the results of that assessment be presented in October of last year, but the modeling results were not available at that time, and there are still some issues that need to be resolved with that complete stock assessment.

Before you today is just the initial findings.

There is a process that has to be presented and evaluated, before any true stock assessment can be finalized.

Once the data has been evaluated, on GCRL's end -- it is in its final stages right now -- that data will be presented to the stock assessment evaluation team within DMR to review.

Once that has been reviewed by our internal committee, it will be peer reviewed by a larger group external from DMR.

Once that peer review analysis has been done, then, it will be in its final form and, when that is done, that will be presented before the Commission on Marine Resources at which time the Commission may, or may not, decide to take action.

With that being said, if you have no questions, Dr. Paul Mickle will give the initial analysis of the spotted seatrout stock assessment.

COMMISSIONER BOSARGE: Joe, what kind of time frame do you think it will be before the peer review is done?

JOE JEWELL: Well, GCRL is putting the modeling, the data, into a final format. That should take about two, or three, weeks. It will take another couple of weeks for the DMR internal review panel to assess that, and, then, when it goes out for a formal peer review committee, that takes anywhere from two to three months. So it is going to be a process. It is a formal technical scientific document.

COMMISSIONER BOSARGE: Good.

COMMISSIONER DRUMMOND: Joe, is this recreational data and commercial?

JOE JEWELL: It is both.

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

Like Joe said, these are initial findings that I am going to present here today.

As we know, spotted seatrout are arguably the most popular sport fish and commercial fish in our State waters. They have been heavily managed because of this.

Because of their popularity, it is important that we look back and see what has been done with this species. It has been closely monitored. It has been closely studied.

There is a lot of literature out there on this species and just within our State we have seen, through the history, some changes in our recreational sector of size range, bag limit, all sorts of different things moving through the years.

Most recently, the size limit changed, in 2008, to thirteen inches, and, then, in the commercial sector, they have had size changes as well and a quota increase from forty thousand to fifty thousand pounds.

Because of the popularity and the high management level of the species, you can see throughout the Gulf it has been the same story.

These are just present management regulations (indicating slide):

You can see Texas has a lot of different regulatory actions being taken, at the present.

Louisiana has also done a lot of different things, and they are presently considering additional changes as well.

We have seen our changes, and this is what we are currently at, recreational and commercial.

Alabama, very similar to our waters, seeing their present regulatory activities.

Then, Florida, has probably been the most aggressive in regulatory changes. They have many, many zones, many different regulations within those zones, and they have had six changes just in the last ten years. Very aggressive management strategies taking place. This makes sense for Florida because Florida has, by far, the most recreational angler pressure being seen, and you would think that they would have the most regulatory changes.

A little bit about the life history, a little review. Like I said, it is heavily studied. We know a lot about spotted seatrout. We know a lot about their ecology and life history.

Throughout the Gulf, the literature states they primarily feed on small crustaceans. The good news is they reach maturity in one to two years. They become reproductive very young.

They spawn between March and September. Larger females can produce up to a million eggs. They spawn primarily in shallow grassy areas. They utilize deep bays in the rivers during winter months.

Mississippi kind of has a spin on this. We don't really have that sea grass kind of player in the

life history. They don't depend on sea grass like a lot of the literature states throughout the Gulf. We have these beautiful estuaries within our State waters that support large food bases.

Interestingly, a lot of the literature within the northern Gulf, even in our State, shows that these fish are not really leaving in large numbers. They are staying in our waters. They are spending their entire lives within our waters. So it is important that management stays very closely observing what is going on with our population.

We have a few fish that come in and out, and things that push fish populations around, but, for the most part, our fish are ours to manage.

Like I said, they reproduce at young ages. That's the good news. It makes it a very powerful tool in management.

You can see here that at very small lengths, some portion of them are becoming reproductive. That is very good news. By fourteen inches, one hundred percent of the fourteen inch fish are reproductive and capable of spawning (indicating graph).

Let's get to the model stuff. What is going into the model is mostly fishery dependent data and fishery independent data.

As Commissioner Drummond brought up, we have the fishery dependent data which is the recreational survey data and the commercial side.

Then, the independent data is our data gathering programs here at DMR and GCRL.

At this point, I would like to thank David Dippold, Dr. Robert Leaf and Dr. Read Hendon for producing the output that I am about to share today. The model that they use is a Age Structure Assessment Program that is called ASAP, and it is what NOAA uses for their stock assessments throughout the Gulf of Mexico and in the Atlantic as well.

In modeling and in management, what has become very popular, in driving management, are these reference points. These are statistical summaries, statistics that we use to set bench marks and to try to aim for things in our management strategies.

What has been particularly popular, in spotted seatrout, is SPR, Spawning Potential Ratio. This is literally just the number of eggs produced by the fish stock, the stock that is being fished recreationally and commercially, divided by the number of eggs produced per fish over its lifetime in unfished stock. That is fish that are too small and, in some cases, too large.

SPR is kind of our driving force in how we kind

of see how things are going, this Spawning Potential Ratio.

This first figure here, this is the X Axis for the years and SPR percentage on the Y Axis, and you can see here it is fairly stable with some variability going on, and, then, recently, we have seen a downturn, starting around 2007-2008, somewhere around there, sequential years of downturn within SPR.

Looking at the spawning stock biomass, this is the stock out in the water, the biomass that is capable of spawning out there. We measure this and show it on the X Axis here as years, just like before, and spawning stock biomass on the Y Axis with metric tons (indicating graph).

You can see, even with commercial and recreational fishing going on and increasing recreational fishing pressure, the spawning stock biomass over the years is increasing, but we, now, see a very sharp downturn with many years of falling spawning stock biomass showing up until 2014 (indicating graph).

Then, the total biomass, this is the biomass of spawning ability fish and non-capable spawning fish. This is everything out there that is spotted seatrout. You can see here the very same trend as the last figure; X Axis of the years, and, then, total biomass is in metric tons, going up sequential years here, and, then, sequential

years decreasing up to 2014 (indicating graph).

The next figure is fishing mortality. This is what is being removed and causing mortality through fishing, whether it be commercial, or recreational. Just like before, the years are on the X Axis, and, then, the mortality value on the Y Axis. Very little variation throughout the years, and, then, you see fishing mortality increasing very quickly within the last few years (indicating graph).

This is called Fishery Independent Index of Abundance. Instead of including all the data, this is just fishery independent. This is the data that the DMR and GCRL are gathering together. The dots, that is actual data, and, then, the lines is the model output data. You can see that it is following the dots very closely so it is showing model strength. This is a strong model, and it is showing decreasing trend within fish abundance (indicating graph).

Looking at the Fishery Dependent Data, you see the high variability, but the same trend, in the last few years, of trending down within those late years (indicating graph).

There is something going on and it is something to definitely look at further.

Are there any questions this morning?

COMMISSIONER BOSARGE: Could you go back a couple of slides where you have the SPR values for different years?

PAUL MICKLE: This one (indicating slide)?

COMMISSIONER BOSARGE: Yes. That slide was left out of my presentation.

PAUL MICKLE: Yes. We updated it. We had values up to about 2000. We had to update it for this presentation. It just came out.

Again these are initial findings. They are literally coming out, as the process goes on.

COMMISSIONER BOSARGE: I guess, from everything I have read and seen, the SPR is basically the benchmark for where you stock is?

PAUL MICKLE: Yes. SPR has been involved with spotted seatrout through the Atlantic even. It is just one of those reference points.

COMMISSIONER BOSARGE: I looked at your presentation and I was trying to determine what SPR meant, and I found a little better definition. It is a measure of the affect of fishing pressure on the relative abundance of mature females.

PAUL MICKLE: Exactly.

COMMISSIONER BOSARGE: To me, that described it a little bit better in terms that I can understand.

When you talk about SPR and you look at the different years, where would you put the benchmark?

From what I see and what I read, Florida, of course, if the most stringent. It looks like they manage their fishery more into trophy fish, in other words, where people catch a lot of big fish.

Louisiana, on the other hand, manages theirs on the bottom end of it, and I see that their SPR, in Louisiana, they try to maintain eighteen percent, and Florida is thirty-five.

Where is the point of no return?

Where is the point where that SPR ratio gets so low that we are close to a collapse of the fishery?

PAUL MICKLE: Well, they are a highly regional fish, and estuaries of high production, such as Louisiana, very productive estuaries, have very productive fisheries and can sustain heavy fishing and things like that.

Now, Florida is nutrient dependent. Their estuaries are much smaller. They have constraints on a lot of different things that the central Gulf really doesn't have, and they have much higher recreational pressures.

Installing larger SPR's in lower productive systems and higher fishing pressure systems is obviously a good strategy to take.

As far as understanding what Mississippi's SPR should be, I think there should be a lot of discussion. I think we should understand and look at the models and the data to understand exactly what is going on, long years of data, understand the natural rhythms of what is going on out there, and see what truly fishing impact is occurring and try to all decide what is going on and what a desirable SPR value would be for spotted seatrout in Mississippi.

COMMISSIONER BOSARGE: From what I understand, Mississippi probably has as much, or more, data than any other state, as it relates to speckled trout, or spotted seatrout.

PAUL MICKLE: Yes. It has been heavily studied within the State of Mississippi.

COMMISSIONER BOSARGE: My understanding is that, basically from everything I can read, the benchmark for SPR for most states to maintain a decent fishery is about twenty percent.

Would you agree?

PAUL MICKLE: I would definitely want to look and see a lot more of the models to understand and put an exact number on it, but I would think we would want it to be in that neighborhood.

COMMISSIONER BOSARGE: Like I said, this is the

first time I've gotten to see this.

If I read your chart correctly, we are somewhere around seven maybe?

PAUL MICKLE: Yes. We are below ten.

You can see here that we are bouncing around, in prior years, right around twenty percent with natural variabilities (indicating graph).

JOE JEWELL: Steve, let me sort of address some of your questions about data.

The data that you see presented right here, some of the initial data, the data from the actual models is not going to significantly change, but one of the things that is going to change, in the presentation that we are going to present before the Commission in the next two or three months, is how we approach the data and the management decisions that we will make about the data.

Today, we are probably not going to address some of those issues because, like I said, we have to peer review this data. There is going to have to be a lot of people that are going to have to do some analysis of the models, they are going to have to do some analysis of the inputs, the outputs. We are going to have to really do a lot of critical review of not only the data, but how the data was manipulated, how it interacted with the models and some of the sensitivity studies that were done of the

model.

The data itself is not significantly going to change. Your questions of point are probably pretty relevant, but the actual management decisions that we are going to have to address are probably not germane right now because we've got a lot of work to do ahead of us.

COMMISSIONER BOSARGE: I see your point.

My point is that the more education we can get, the better decisions we can make.

JOE JEWELL: Sure.

COMMISSIONER BOSARGE: There is a lot to be learned about the models, and I guess the good point would be that we are not the first state that has had to do this. As a matter of fact, we are probably the last state that has had to do it, as far as to actually come up with a fishery management plan.

On the other side, I'm the commercial fishing representative. I have a long history of where we are and how we got to where we are, now.

I have a vested interest in what we do and how we proceed from this point forward. I am going to be involved.

Would you like for me to hold most of my questions, until we can get data?

JOE JEWELL: No. I think the more questions you

feel comfortable asking, I certainly will address those questions, now. I don't want you to hold back, but I think when we start asking questions that are going to address the management options, let's wait for those until we get ready to do the final presentation.

Any questions about the data, we are more than willing to address those.

COMMISSIONER BOSARGE: Just what I see in the data, that scares me.

JOE JEWELL: It is for concern. We should be concerned about that, but, like Dr. Mickle pointed out, there is natural variation. There is significance about the estuary systems that we have to take into consideration, but the data is the data, and, at some point, we are going to have to address it.

COMMISSIONER BOSARGE: Thank you.

COMMISSIONER GOLLOTT: Paul and Joe, thank you very much.

At this time, Shelby Drummond is insisting on having a break. We will take about a ten-minute break.

(Whereupon, a short recess was taken.)

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

Next on the agenda we have Jan Boyd, Coastal Resource Management.

COMMISSIONER BOSARGE: Can we go just a little bit further?

COMMISSIONER GOLLOTT: We will back up and let Joe finish. I thought he was finished.

JOE JEWELL: I think there is one more question about the spotted seatrout stock assessment.

Steve, do you want to go ahead and ask your question?

I think I cut you off, at the very end.

COMMISSIONER BOSARGE: We were talking about the SPR and, from my take, that is basically the benchmark as to where you manage to.

When you come back at the next meeting, if you could give us options for managing it, the fifteen percent, twenty percent, twenty-five, thirty, thirty-five and forty, what we would have to do to manage to that percent?

JOE JEWELL: We could do that. I think we had spoken internally, the Stock Assessment Panel, about providing certain options for y'all to consider at the next meeting.

We certainly can consider those specific SPR's for y'all, at the next presentation.

COMMISSIONER BOSARGE: Thank you.

JOE JEWELL: If there are no other questions,

that concludes Marine Fisheries.

COMMISSIONER GOLLOTT: Thank you, Joe.

Now, we go to Mr. Jan Boyd.

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

We have two action items on the agenda for your consideration this morning, and Jennifer Wittman will be our first presenter.

JENNIFER WITTMANN: Good morning.

The first thing we have on the agenda today is a request for a permit by Brandon Bosarge. It is located on Bayou St. Pierre at 405 Italian Isle Drive in Gautier. It is located in the General Use District.

The applicant is proposing to remove an existing boathouse and reconfigure the layout to accommodate vessels that he currently owns and to perform maintenance dredging.

The dredged material will be disposed of at an approved upland location on site, or a beneficial use site.

There is also an existing access pier and pier located on the Mississippi Sound.

The proposed boathouse and associated pier will be two thousand three hundred and sixty-seven square feet over Bayou St. Pierre. Total shading at the property,

including the pier, on the Mississippi Sound will be two thousand six hundred and thirty-seven square feet. The maintenance dredging will be approximately two hundred and seventy-nine cubic yards.

This is Mr. Bosarge's property, in reference to Highway 90 and Bayou Pierre Road, and this is a zoomed-in aerial showing Bayou St. Pierre and the Mississippi Sound.

This is the pier and access pier, and, then, this is the boathouse that will be removed and replaced (indicating photograph).

This is a picture showing the existing pier and boathouse located at 405 Italian Isle Drive. Currently, the boathouse will not accommodate the vessels that are owned by Mr. Bosarge, and you should have received a picture of those vessels in your packet.

This is a diagram showing the proposed structure. You can see that there is a small pier area that comes out from the bulkhead, and that is going to help minimize the amount of dredging that needs to take place to accommodate the large forty-two foot Yellowfin. There will also be a smaller Everglades Bay boat and a jet ski.

This diagram also shows the distances that will be increased across the width of waterway from the bulkhead on the opposite bank.

This is the dredging diagram, showing a small channel that leads up to the boathouse. This area here is the dredge material disposal site for the onsite location, and there will be silt fencing and hay bales placed around the material, if it is placed on site and not taken to a beneficial use site.

This is a private pier that will benefit the property owner and there are no public benefits.

The project is allowable within the General Use District.

The project will set a new precedent for the amount of shading associated with a single residential property. Currently, the maximum shading the Commission has allowed for a residence is two thousand sixteen square feet, but this precedent was set by a violation more than ten years ago, and the applicant has exhibited a need for the structure, based on the vessels that he currently owns. Again, you received pictures of those in your packet.

Biological productivity should not be adversely impacted. The presence of the existing boathouse would not allow for SAV growth along the shoreline and the area is routinely management dredged by the surrounding property owners.

Best management practices will be utilized,

during all phases of construction.

Currently there is a minimum of fifty-eight-and-a-half feet of navigable waterway between the existing boathouse and the bulkhead on the opposite bank. The proposed boathouse will leave a minimum of sixty-one feet of navigation area between the new boathouse and the opposite bulkhead.

The upstream property owners have signed the diagram and have no objections to the new project design.

Alternative sites have not been considered. This is a private residence.

The project should not adversely impact the natural scenic qualities. There are several other large boathouses in the vicinity of the property. Most of the shoreline along Bayou St. Pierre has been armored and many of the lots have been developed.

This is a picture of some of the other large boathouses that are along Bayou St. Pierre. You can see there are several large boathouses along the way.

Public notice appeared in the Sun Herald, as required, and no public comments were received.

DEQ is currently reviewing the project.

Secretary of State's office has requested Coastal Resource Survey only if earth disturbing water is anticipated upland from the shore, and that is not

currently anything that the applicant is proposing.

Wildlife, Fisheries and Parks has recommended best management practices.

Secretary of State has no lease issues.

Based on department review and evaluation, it has been determined that the project is consistent with the Mississippi Coastal Program, and staff recommends issuance of the permit.

Mr. Bosarge is here, if you have any questions for him, and I would be happy to answer any questions, as well.

COMMISSIONER BOSARGE: I will recuse myself from the vote, simply because Mr. Bosarge is a relative of mine.

COMMISSIONER GOLLOTT: There are no questions.

Do we have a motion?

COMMISSIONER DRUMMOND: I make a motion we accept this request for this project.

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.

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

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

On the next item, Bureau of Coastal Preserves, I would like to make a motion that might save us some time on this thing.

I will make a motion that the Notice of Intent for the Coastal Preserves Regulations be rescinded and that the Notice is removed from the Administrative bulletins to provide the Commission more time to review and fully consider the impact of these proposed regulations; furthermore, that at such time as the staff brings the proposed regulations back before the Commission, the regulations be reformatted consistent with the existing Title 22 Regulations and in the same format as all the other regulations.

Additionally, the Commission requests that these changes be submitted to Ms. Sandy Chestnut, the CMR attorney, for review and verification.

Do I have a second on this motion?

COMMISSIONER HARMON: Mr. Chairman, I will second that motion.

COMMISSIONER GOLLOTT: We have a motion and a

second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: The motion carries.

COMMISSIONER BOSARGE: Maybe just to clarify things, the regulations that have been proposed, we don't necessarily have a problem with them. We just need to have some clarifications, sit down and talk about them, and, then, have them written in a different language, and, then, brought back.

Correct?

COMMISSIONER GOLLOTT: Yes, that's correct.

COMMISSIONER BOSARGE: Thank you.

COMMISSIONER GOLLOTT: At this time, Ms. Peggy Stowers would like to say something.

PEGGY STOWERS: Good morning Commissioners and Director Miller.

Thank you for allowing me to speak. It gives me an opportunity to thank you and Ali Leggett for considering the proposed Coastal Preserves Regulations.

This set of regulations is critical for maintaining and ensuring public safety on our Coastal Preserves, along with making sure that we maintain the

integrity of these wetlands, habitats and the nature preserves for conservation.

As a volunteer and coordinator of the Mississippi Habitat Stewards Program that does countless hours of volunteer work on the Coastal Preserves for the Commission, we are pleased to support these regulations and the enforcement of regulations to ensure the future preservation of the Coastal Preserves for the safety and enjoyment of our visitors, our citizens and our Gulf Coast.

With that being said, please remember the Coastal Preserves are living habitats that require management and continuous care and oversight to maintain their function and their service to both citizens and wildlife.

The Habitat Stewards fully support the need for these regulations that would encourage appropriate use and management to ensure their successful future.

We look forward to your public meetings on comments for the regulations and we will be present during that time.

Thank you so much.

COMMISSIONER GOLLOTT: Thank you, ma'am.

I think, at this time, our Director has something to say about the meetings.

JAMIE MILLER: Yes, sir.

As a result of initiating the original public notice and meetings subsequent to that, the staff did prepare and announce some public hearings on the proposed regulations that we will, now, rescind, but we still want to hear from the public on this.

The meetings scheduled this evening in Gautier, on February 17th at the Biloxi Visitors Center, and December 18th at Bay St. Louis Yacht Club, it is the intent of the commission, I believe, that those public hearing happen and that staff receive public comment and that be a part of the record that they will eventually bring back to y'all, as we start the process again.

COMMISSIONER BOSARGE: Yes, I agree.

COMMISSIONER GOLLOTT: Would you repeat that? Gautier is going to be when?

JAMIE MILLER: This evening at the Gautier Community Center, the Estaurine Center.

COMMISSIONER GOLLOTT: What time?

JAMIE MILLER: At 6:00 p.m.

COMMISSIONER GOLLOTT: Biloxi Visitors Center?

JAMIE MILLER: Biloxi Visitors Center on the 17th. That's tomorrow evening at 6:00 p.m.

Then, Thursday, in Bay St. Louis at the Yacht Club at 6:00 p.m.

COMMISSIONER GOLLOTT: Thank you, sir.

JAMIE MILLER: Thank you.

COMMISSIONER GOLLOTT: Next we have Office of Finance.

ALI LEGGETT: We have one more comment from the public.

FROM THE FLOOR: I filled out the form, but you didn't call my name.

JAMIE MILLER: I'm sorry. The form, it didn't make it to us, but we are happy to have you come up and comment. I apologize.

JULIA O'NEAL: I'm sorry. I guess I didn't put it in the right place.

JAMIE MILLER: That's fine. Just state your name, please.

JULIA O'NEAL: Julia O'Neal.

Thank you for allowing me to speak, Commissioners and Director.

I also am a Habitat Steward, and I want to just say that I saw these regulations on the Habitat Stewards Facebook page, and I was very surprised that they didn't already exist.

A lot of what you guys have been talking about today involves the word "management", and I had always just assumed that the Coastal Preserves had management in

place just like all the other aspects of the DMR. It is long overdue, in any case.

As a Habitat Steward, I have noticed lots of times and places when people really needed to know more about how to take care of these Coastal Preserves.

We have had vandalism. We often end up just picking up garbage, instead of getting rid of invasives and things like that, simply because the people aren't paying attention and they really don't know.

I think the future of Deer Island and the visitors there is going to make this even more important. It is going to be a heavy task to make sure that everybody who gets on that boat and goes to Deer Island knows what the rules are and what they can and can't do.

I, too, look forward to the public meetings, and I wanted to say that one of our other Habitat Stewards, Janet Wright, wanted to be here, but she couldn't, and I'm going to read something that she wrote which, I think, is very accurate.

"The public needs to understand that having right of access to Coastal Preserve lands does not include having the right to destroy them. People respect reasonable, enforceable regulations that restrict damaging activities. Regulations not only protect these habitats, but also help inform the public how they can play a part

in that protection."

In the interest of public education, as well as management, I think you should definitely pass these regulations, whatever their final form is. Thank you.

COMMISSIONER BOSARGE: I do believe that we will pass a form of regulations. We just have to make sure that it works for everybody.

As soon as we can iron all the bugs and everybody is satisfied, then, yes, we will put it forth.

COMMISSIONER GOLLOTT: Is there a period that write-insurance can be submitted?

Ali, maybe you can answer that.

ALI LEGGETT: I had that in my presentation, but one of the things I wanted to point out is that we came into this process knowing the --

COMMISSIONER GOLLOTT: (Interposing) Come to the mike, please.

ALI LEGGETT: One of the things that I was going to say, in my presentation, is that we came into this process knowing that, as written, the regs may not be perfect, but that is the point of the public comment period.

We have had five sets of public comments already received. We have been incorporating those into a working document.

We have received some comments from you, Mr. Gollott, and other Commissioners and other members of the public.

The point is so that we can get a document that everyone is comfortable with because the end result is that we have something that the public can support and the resource managers can support because, in the end, we know that the only regulations that people support are the ones they understand.

I believe that there is time for write-in. I wanted to incorporate the comments received at the public meetings and the ones from the Commission and the public today, and bring those back in front of you in March.

COMMISSIONER GOLLOTT: Is there a time limit?

Are you going to give them a week, or two weeks, if somebody wanted to submit something in writing?

SANDY CHESTNUT: If I could just clarify. It sounds like there is going to be some substantive changes to these regulations. So they are going to have to go back out on public notice and, at that time, we will have another public comment period that all public comments will be taken on that final form that is actually submitted.

COMMISSIONER GOLLOTT: That is the reason the Commission is encouraging you to have these public

comments. Get the public comments and lets get it together and see if we can come up with something that satisfies everybody.

ALI LEGGETT: Okay.

COMMISSIONER GOLLOTT: Thank you.

Next is Office of Finance and Administration, Kacey.

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

These are the financial results as of January 31st, 2016. At the end of January, we had State revenue of five point two million dollars. We had a total Agency revenue of eighteen point five million. We had a State net income of negative one hundred and seventy-seven thousand which includes spending of cash on hand. We also had a total Agency net income for this fiscal year of three point two million.

After seven months of this fiscal year, we are doing really good from a budgetary standpoint. We have sixty-three point eight percent left of our operating funds and fifty-three point five percent of our Tidelands budget.

Any questions?

COMMISSIONER GOLLOTT: Thank you very much.

KACEY WILLIAMS: Thank you.

COMMISSIONER GOLLOTT: Melissa.

MELISSA SCALLAN: Good morning Commissioners, Director Miller and Ms. Chestnut.

The Mississippi Department of Marine Resources was mentioned forty-four times in local, state and national media, since the last Commission meeting. The items of particular interest, of course, included the relocation of forty thousand sacks of oysters from St. Joe Reef, as well as the possibility of reopening oyster season.

I did just get an update from Dr. Lucas. I have gotten some questions about the wildfire in Jackson County. So far, there are more than four thousand acres that have burned. They are flying a helicopter, right now, to determine the acreage and the containment.

Bayou Heron Road is still closed. However, our staff is able to be at the NERR. We will keep you guys updated on that situation.

COMMISSIONER GOLLOTT: It didn't have any affect on our fine facility down there?

MELISSA SCALLAN: They did close early on Thursday, but not to the building, or anything.

COMMISSIONER BOSARGE: Is the fire mainly towards the water's edge?

I see the smoke, but I really haven't seen where

it is located.

KELLY LUCAS: Part of the problem with being able to contain the fire is it has been in the marsh and they have not been able to get heavy equipment down into the marsh. They have been putting the fire lines up on a little bit of the uplands to protect structures, to protect the NERR, to protect people's housing.

The first was able to jump several of those fire lines that they put in place, but, once it gets in the more marshy areas, they just can't get equipment down in there. It is really more about trying to get ahead of it, in that case.

COMMISSIONER BOSARGE: Do they know how it started?

KELLY LUCAS: It was on private property off Grand Bature Road. It started on the back of that private property and it just continued to move north and east.

COMMISSIONER BOSARGE: Where is it, now?

KELLY LUCAS: The fire moved into Alabama. It was moving towards the Grand Bay area, and they were over there cutting lines in Alabama and working with the Alabama Forestry Commission and Lands to get those lines cut.

Of course, it also was in the marsh, and that was part of their problem, not being able to get equipment

in there.

COMMISSIONER BOSARGE: Did the rain help us any?

KELLY LUCAS: I do believe the rain has helped.

We should get an update. After they fly the helicopter, they will send out an update, I think, to all media, as well as to us, as to how the rain was able to help them.

COMMISSIONER BOSARGE: Thank you.

MELISSA SCALLAN: Last week we also held our annual Capitol Day in the rotunda at the State Capitol, and we had representatives from all of our offices who attended and talked to several hundred people about our programs and everything we have going on here at the agency. We feel like that was a success.

Marine Patrol handled a few events. They helped with security at the Donald Trump rally in Biloxi last month. They also participated in training regarding bloodborne pathogens, vibrio and communicable disease awareness. We also had four Marine Patrol officers who completed dive training in January.

Any questions?

COMMISSIONER GOLLOTT: Thank you, Melissa.

COMMISSIONER DRUMMOND: Mr. Chairman, can I make a motion we adjourn?

COMMISSIONER GOLLOTT: No, sir, not yet. We

have other business.

At this time, I would like to make a motion that we move our March meeting to the 22nd.

Do I have a second on that motion?

COMMISSIONER DRUMMOND: I second the 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.

JAMIE MILLER: We were originally scheduled to be in Gautier, in Jackson County.

Are you still requesting to stay in Gautier?

COMMISSIONER GOLLOTT: Yes.

JAMIE MILLER: Our staff will confirm and make sure that date is still available for the City, and we will plan to be in Gautier on March the 22nd.

SANDY CHESTNUT: Are you going to change the time, or are you going to keep it at 9:00 o'clock?

COMMISSIONER GOLLOTT: Nine o'clock is all right with me.

How about the rest of y'all?

JAMIE MILLER: I think when we went out of the normal Commission room, we moved it to 10:00 a.m. just to give people a chance to get there.

COMMISSIONER GOLLOTT: Either way is all right with me.

COMMISSIONER DRUMMOND: So 10:00 o'clock?

COMMISSIONER GOLLOTT: Ten o'clock, since it's in Gautier.

We have another public comment.

Franklin Parker, would you please come to the podium?

FRANKLIN PARKER: Good morning Commissioners and Director Miller. Thank you for giving me the opportunity to speak this morning. My name is Franklin Parker. I'm a commercial shrimp fisherman from Biloxi.

I kind of got a few answers to some of the questions I had, but I still would like to bring something to your attention.

I would like to see that the shrimping waters south of the Intracoastal Waterway from, like, Gulfport ship channel to the Mississippi-Alabama state line, I would like to see it stay open year-round.

It seems like every year -- I know definitely the people in this office, they get a lot of phone calls. You opened it too late. You opened it too early.

Well, it seems like it would be an economic benefit to some of the local smaller boats because just say last year in particular some of the smaller boats were getting three to four hundred pounds a night of nice twenty-one/twenty-fives, sixteen/twenties, twenty-six/thirty shrimp, and getting three to four dollars a pound retail for them.

Well, when we close it for a month and a half, the brown shrimp are small. They are catching forty/fifties; getting seventy cents a pound.

I would like to see what can be done to keep it open.

Other states are doing it. Louisiana hasn't closed their Breton Sound and Chandeleur Sound in probably twelve or fifteen years, and they are still getting the migration of the brownies into the marshes and Lake Borgne.

Also, Alabama has been doing the same thing.

It seems to me that it is more of a benefit to the local smaller boats, trying to make a few more dollars.

It doesn't seem like it has any negative impacts on other states. Maybe it won't have any negative impact on our state.

COMMISSIONER BOSARGE: I'm with you. I have

kind of asked for the same thing.

Joe, do you know where we are on that, if we have made any headway?

I remember something about the State Statute.

COMMISSIONER DRUMMOND: I think we ought to do it, Joe.

JOE JEWELL: Actually, I remember Commission Bosarge last year you addressed that issue and you addressed it at last Commission meeting.

We are internally reviewing that. It is State Statute. It's 49-15-64.1.

We are making recommendations for the specific section of Code that addresses that issue. That will require a statutory change, and we will make that recommendation to our Executive Director.

COMMISSIONER BOSARGE: Do we have any options that we can do, from the Commission standpoint?

JOE JEWELL: We would have to review that with our attorneys, but it is my understanding that State Statute takes precedent so it would require a statutory change.

The options would be to change the existing statute to reflect the language of a permit east of the Gulfport Ship channel, or, as we have done in the past, modify the State statute to give the Commission the

authority to make that recommendation which would be the most flexible of the options because, if there was a biological, or ecological, reason to shift back to the current way we manage it, the Commission is much more flexible and nimble and able to do that.

COMMISSIONER BOSARGE: That's a time-consuming procedure to go through the State statute.

If I could request, could you talk to legal and see if there is a means?

JOE JEWELL: We can do that, but we would have to, at some point, address the statutory change. I can do that and will do that.

COMMISSIONER BOSARGE: Thank you.

COMMISSIONER GOLLOTT: Thank you, Joe.

I think that's your clue, Mr. Drummond.

COMMISSIONER DRUMMOND: Mr. Chairman, can I make a motion we adjourn?

COMMISSIONER GOLLOTT: Yes, sir.

COMMISSIONER DRUMMOND: I make a motion we adjourn.

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Motion carries.

Adjourned.

(Whereupon, at 10:55 o'clock, a.m., the February 16, 2016, meeting of the Commission on Marine Resources was concluded.)

C E R T I F I C A T E

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the February 16, 2016, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

_____

COURT REPORTER

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