COMMISSION ON MARINE RESOURCES

TRANSCRIPT OF MEETING
Taken November 17, 2015
(Condensed Transcript)

Reported and Transcribed by:
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COMMISSION ON MARINE RESOURCES

TRANSCRIPT OF MEETING

Taken at the Bolton State Building Auditorium,
1141 Bayview Avenue, Biloxi, Mississippi, on
Tuesday, November 17, 2015, beginning at
9:00 a.m.

COMMISSION MEMBERS PRESENT:
COMMISSIONER RICHARD GOLLOTT - CHAIRMAN
COMMISSIONER SHELBY DRUMMOND - VICE CHAIRMAN
COMMISSIONER STEVE BOSARGE
COMMISSIONER ERNIE ZIMMERMAN
COMMISSIONER RON HARMON
MR. JAMIE MILLER - EXECUTIVE DIRECTOR
HONORABLE SANDY CHESTNUT - COMMISSION ATTORNEY

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COMMISSIONER GOLLOTT:
I'd like to call this meeting to order. I would like to welcome everyone. The first thing on the agenda is the Pledge of Allegiance. I would like to ask Shelby Drummond to lead us in that.
(Wherein, the Pledge of Allegiance was recited by all.)
COMMISSIONER GOLLOTT:
Okay. We need an approval on the minutes. Do we have any modifications or do we have an approval on the minutes of the last meeting?
COMMISSIONER BOSARGE:
I'll make a motion we approve the minutes from the last meeting.
COMMISSIONER ZIMMERMAN:
Mr. Chairman, I would like to go on record saying it's an abbreviated minutes. If anyone publicly wanted to listen to the whole meeting, we have a recording of these minutes, and with that, so moved also.
COMMISSIONER GOLLOTT:
We have a motion and a second. All those in favor say "aye."

(All in favor.)
COMMISSIONER GOLLOTT:
Opposed?
Motion carries.
Okay. Next, we have approval of the agenda. Do we have any modifications?
With no modifications, do we have a motion?
COMMISSIONER DRUMMOND:
I make a motion we approve the agenda, Mr. Chairman.
COMMISSIONER GOLLOTT:
Thank you. Do we have a second?
COMMISSIONER ZIMMERMAN:
Second, Mr. Chairman.
COMMISSIONER GOLLOTT:
Okay. We have a motion and a second. All those in favor, say "aye."
(All in favor.)
COMMISSIONER GOLLOTT:
Opposed?
Motion carries.
Next, we have the Executive Director's report.
DIRECTOR MILLER:

Thank you, Chairman. I have just a few items.
First is, the agency will host the 2015 Legislative Forum this year at the Biloxi Visitor's Center on December the 5th beginning at 5:30. This is an opportunity for the agency to provide an overview and a year-end review for our coastal delegation, and, of course, the Commission. We'll also discuss legislative proposals that we intend to support in this upcoming session, and also provide the Coastal Delegation with the 2017 or Fiscal Year 2017 Tidelands proposals for their consideration.
Secondly, I would like to remind anyone in the audience that's wishing to make a public comment that they fill out the Public Comment Forms located at the back table. And if you will indicate on the form, if there's an agenda item where the Commission will be taking action, if you want to speak on that very item, that you indicate that on the form so that we can be aware of that. If you don't indicate that you want to speak on a particular item in the agenda, then you will be recognized during the public comment section, which is at the end of the meeting.

We'll also remind you, as we go through the agenda, as the Commission takes any action, you will be invited, if you wish, to make a public comment at that time.

Finally, next Thursday, the agency will be on holiday for Thanksgiving, so the agency will be closed Thursday, November the 26th. That's my report.

COMMISSIONER GOLLOTT:

Thank you, Mr. Director. At this time, I would like to recognize one of our new Senators, Mr. Mike Seymour. Mike, stand up and show everybody who you are. Thank you. Glad to have you here.

Okay. Next, we have Mr. Keith Davis, Marine Patrol.

MR. DAVIS:

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

On the Citation Report this month, if you will notice, we still are having violations with crab theft, unmarked crab pots and traps marking the -- in the middle of the navigable channel.

On the second page, under the Fishing Violations, if you notice, we're still getting

undersized spotted sea trout violations, and the sizes range anywhere from eight-and-a-half inches to 12 inches that the fishermen are keeping.

I also have possession of filets. That's the one I mentioned last month, with the 28 filets in Ziplock bags that were thrown over, and the officer was able to retrieve them.

And, also, the failure to report red snapper trips. We had 16 violations. Before September the 1st, we were issuing courtesy violations on that. Starting September the 1st, we started writing citations. We ended up with 16, failure to report.

On Page 3, if you will notice, we also had a wetlands violation, where one of our officers caught three people on ATVs in the wetlands. That's the first time in several years that we've made a case on that. And that came from a complaint from a concerned citizen that had been noticing ATVs in the marsh. So we were proud to make that stop and issue those citations.

If you look on Page 4, we have the courtesy citations. If you do notice, we may have a drop in citations, and that's because we started issuing courtesy citations right after July. And

we're tracking those, so if we issue a person a courtesy citation, and say, the next time, in a couple of weeks, three weeks, if we check them again, we can run them and our dispatch will let us know if they've had a courtesy citation before. If so, then they get written a regular citation at that time. So we are trying to help the public, educate them, but if they continue to violate, we will issue them a citation.

Also, of course, on everybody's mind and on the news, the plane crash in Jackson County with the three occupants that are missing. We are still searching, involved in the search, trying to find the plane, and we'll continue as long as we can on that to try to bring closure for the family.

COMMISSIONER DRUMMOND:

Have you found anything?

MR. DAVIS:

We've found debris, and that's all we've found so far.

Any questions?

COMMISSIONER DRUMMOND:

Yes. On Page 3, simple possession of marijuana, simple possession of whatever, are

these on fishing vessels?

MR. DAVIS:

Some of them are on fishing piers and at boat ramps, then when we come up to check their fishing license, they catch them in the act with the marijuana or the methamphetamine, and they issue a citation. Most of the time, it's a misdemeanor, so they don't go to jail. They just get a citation.

COMMISSIONER DRUMMOND:

What about no proof of insurance, is that a --

MR. DAVIS:

That was during a traffic stop. There were seven traffic stops this month. So when the officer asks for ID, they also ask for insurance papers. And you may see a seatbelt violation down there. When they stopped them, they didn't have their seatbelt on, so they issued a citation for that, too.

COMMISSIONER DRUMMOND:

Under Miscellaneous Complaints and Reports, you have undersized speckled trout and undersized red drum. Should that come under Complaints?

MR. DAVIS:
That's just complaints that we receive from the public that we try to act on. A couple of those complaints were in Hancock County at Garfield Ladner Pier, which some of our officers set up on and made three cases. One was 22 undersized speckled trout, and one was --
COMMISSIONER DRUMMOND:
So the public reported it?
MR. DAVIS:
The public reported it.
COMMISSIONER DRUMMOND:
Thank you, Rusty.
COMMISSIONER GOLLOTT:
Thank you, Rusty. Next up is Joe Jewell, Marine Fisheries.
MR. JEWELL:
Good morning, Commissioners, Director Miller, Counselor Chestnut. This morning, we have for your consideration three actions. First up is Dr. Paul Mickle, who will give a presentation on the red snapper season.
DR. MICKLE:
Good morning, Commissioners, Director Miller, Sandy. Today, Marine Fisheries would like

to present the results for the 2015 recreational red snapper season.
All right. So a little bit of background, and remind everybody kind of what went on this year. We had a federal season and a state season. The federal season began June 1st and ran through June 10th for the private anglers, and through sector separation, the charter for-hire industry got 45 days starting June 1st through July 15th, and then the state season began just after that, July 16th running through Halloween.
So effective December 1st, the Commission required mandatory reporting for red snapper landed in Mississippi. So that required any recreational anglers to report their catch and to put it into policy.
The DMR's response to that was to create the vehicle of TailsnScales Reporting System. It was an electronic reporting system using a web portal, web page, or a call-in option open 24 hours a day.
So just to compare a little bit, our state reporting system, TailsnScales, and then there's a federal reporting system, which a lot of you already know about, but just to clarify for

some that may not, it's called the MRIP reporting system. It's for recreational landing. It's a federal system through NOAA, and they do report landings in Mississippi. And the policy in the Gulf of Mexico, the landings of federally managed red snapper is driven by this reporting program.
I broke it up between the charter-for-hire industry and the private industry. And this is just for the month of June, here. So for the charter-for-hire, the federal program showed very similar landings to the state TailsnScales program. They're fairly close together.
The federal program here, the MRIP private during the federal ten-day season showed Mississippi anglers caught zero red snapper during the ten-day season. If you drove around during that ten days, you would know that that's an incorrect number.
The TailsnScales reporting system showed just shy of 40,000 pounds during that ten-day season. Just comparing the federal system to our TailsnScales state reporting system.
So for summary results, for all seasons combined within Mississippi for 2015 was total

harvest was 52,800 pounds. Over 10,000 fish were landed, average weight over five pounds. Average length was nineteen-and-a-half inches. Almost 1500 completed trips, which comes out to be 4.37 anglers per vessel, per trip, and just under 1.6 fish per angler.
And then we broke it up by county here to kind of see because the TailsnScales reporting system allows us to look at our universe of anglers. Hancock County was the smallest, as far as trips, and then Harrison County was right here. And the majority of our charter-for-hire fleet is in Harrison County, so a lot of these trips are our charter industry. And then Jackson County is our big county for recreational private red snapper trips. And these others are for the adjunct northern counties, such as Forrest, Stone County and Lamar County made up this number here.
Okay. So if we just look at the federal season to show what TailsnScales reporting system has reported this year, you can see on the X axis we have pretty much all 45 days, running from June 1st through July 15th, and then our landings on the Y axis. So the private landings are in yellow, right here. Pretty much from the 1st

through the 10th were the big private season. You can tell the landings here is very indicative of what we would think would be landings, so we consider the reporting system is showing the trends here. Big first day, slacking off during the work week. The weekend was the biggest day here, then dropping off the next work week, and then increasing a little bit on the last day of the season.

But I would like to add here that our charter industry had a nice, very steady fishery for 45 days, nice, steady landings, which you always like to see for our charter-for-hire captains here in Mississippi.

Although 2014 was not mandatory reporting, 2015 was, so doing quantitative comparisons in landings and effort levels is pretty much impossible to do because, of course, it's optional versus mandatory.

But DMR staff did biological collection of data exactly the same, so it's standardized between 2014 and 2015, of measuring the fish's length, fish's weight and the fish's age. So that gave the staff the ability to actually do quantitative comparisons between last year and

this year.

And I would like to point out here on this figure, I've shown both years here, and the X axis has the federal season, and then I've broken up the first half of the state season and the second half of the state season in the two years. So the first half -- I'm sorry, the federal season, right when it opens up in June of both years, the fish are larger, which is indicative of that offshore fishing. They're allowed to go out as far as they want because of the federal waters being open, and those are always larger fish. And then when the state season peaks and then levels off, those are a little bit smaller fish.

But I would like to add that both years show completely level weights. This is indicative of the single fishery. It has a minimal impact on the (inaudible). If the weights were dropping off very quickly between the first and second half of the season, it would be that warning sign to start looking closely at the fishery or more close.

All right. So what's the value of this reporting system that we have here in Mississippi now? We can see seasonal trends that I've shown here today. We could look at effort analyses. We

can see what the effort is at the beginning of the season, end of the season, if there's weather dynamics involved with the folks going out. All of these things, we can use from our reporting system, the data we have. The stock assessment inputs, effort, landings, angler universe changes, all the inputs that we use in stock assessments, a lot of them are already in this reporting system now.

I think this is an example of realtime management. This is where we are headed in fisheries management in the Gulf of Mexico. It's good Mississippi is now a part of it. This can be used as a floor plan. Perhaps a boater doesn't report back. Law enforcement starts the search, they can download, they have access to our reporting system. They can see the port they left out of and when they left out of it. This is a tool for that. It's a valuable thing.

And lastly, it protects Mississippi's red snapper harvest by providing accurate landings. This has potential for a regional manager of the future. We don't know if that's going to happen, but it's good to have a data system in place that would allow Mississippi to protect its harvest, as

far as a federally managed species.

Are there any questions?

COMMISSIONER BOSARGE:

I've got one. It's good to see the information and everything is looking good. I had one question, though. As far as the state system and where we're headed, for it to be a usable system, it has to be validated. Are we working towards having this validated?

DR. MICKLE:

Yes. Actually, it's happening the beginning, middle of next year. All the reporting systems, all of the landings will have to go through a federal validation process.

COMMISSIONER BOSARGE:

I think Alabama is working with MRIP to have their information validated.

DR. MICKLE:

Absolutely. All the states are, as far as I know.

COMMISSIONER BOSARGE:

That will be your third-party validation, in other words?

DR. MICKLE:

Yes, it will.

COMMISSIONER BOSARGE:

All right. Thank you.

MR. JEWELL:

Thank you, Paul. Next up on our agenda is Item F-2. Ms. Jenny Herbig will give an update on the artificial reef program.

MS. HERBIG:

Good morning, Commissioners, Director Miller, Ms. Chestnut. This morning, I'll just be going over a brief review of what the artificial reef program has done throughout the year and a couple of our upcoming projects for 2016.

As part of our Rigs to Reef Program, we worked with Chevron to decommission one of their rigs. In November of 2014, the jacket of this rig was towed to and decommissioned in Main Pass 185. After all the paperwork was signed we accepted this donation of the jacket in February of this year.

The Rigs to Reef Program offers an alternative decommissioning option to the complete removal of structure, allowing the structure to remain in the marine environment rather than putting it on shore.

Throughout the year, we also worked with

Omega Protein, out of Moss Point, Mississippi, to decommission a 165-foot pogy boat. This pogy boat was deployed on June 10th at the south side of FH-13. The picture on the right was taken approximately half an hour after the vessel sank. As you can see, it's a large structure, and it should provide a large amount of valuable habitat increasing fishing and diving opportunities for the local community.

During July and August this year, we deployed approximately 10,000 tons of concrete culverts. These culverts were used to make 12 total deployments. Four deployments were in FH-1, four deployments were in FH-2, and four deployments were made in FH-13.

During September of this year, we deployed approximately 1400 cubic yards of crushed concrete on Buoy Reef. This reef is approximately two miles northwest of Cat Island, so it should provide some valuable in-shore habitat and in-shore fishing opportunities.

So not only did we deploy new habitat, we also monitored our in-shore habitat. We -- about every four months, we checked on our in-shore sites and re-marked any of them that needed new

signs. These signs helped local anglers locate low-profile structures.

We also worked with the GCRL hatchery throughout the year on -- as part of their red snapper enhancement program. So far, we've done a total of four releases, releasing approximately 7000 juvenile red snapper two to three inches in length. These snapper have been released on structures at FH-3 and FH-14.

So it's also been a really busy year for our dive program. We've completed just over 500 dives. Quite a few of these dives were done for the Oyster Square Meter Sampling Project. The other dives were conducted to release red snapper, the Red Snapper Enhancement Program I mentioned previously. And the other dives we did were part of the Gulf States Mississippi Fish Response Unit Project, where we conducted biological reef surveys.

All of these dives have gone very well, and we expect to continue dives like these throughout 2016. So not only will we continue diving through 2016, but we also have a couple of deployments coming up. The first one would be the Cat Island deployment, where we are currently

working with the CCA for plans to enhance the Cat Island fish haven with small concrete culverts.

We also have the FEMA project, which will restore Square Handkerchief Key, Jailhouse Key and Pass Christian Key to pre-Hurricane Ivan conditions. It will also create more fishing opportunities. These keys also provide a source of refuge for small boats during storm events if they're caught out there.

In the spring of this year, we will be working on our Coastal Impact Assistance Project. We will be deploying small habitats for juvenile reef fish. These will be specifically designed for these fish. They're small. They're nested. They'll hopefully decrease juvenile mortality while increasing the number of fish back in the fishery.

So we've had a really productive year. We hope to have an equally as productive, if not more next year. We are really excited about our upcoming projects. Does anybody have any questions?

COMMISSIONER DRUMMOND:

Jennifer, are you working with the CCA project off of Cat Island?

MS. HERBIG:
Right.
COMMISSIONER DRUMMOND:
Have they done anything yet?
MS. HERBIG:
They're still talking about it. They're still working on it.
COMMISSIONER DRUMMOND:
I didn't hear you.
MS. HERBIG:
I'm sorry. We're still in talks about it.
COMMISSIONER DRUMMOND:
They have a half a million dollars to work on that project at Cat Island. I guess they've spent all their money, huh? Anyway, thank you.
MR. JEWELL:
Commissioners, for efficiency sake, I delayed giving the quota update so I could combine that with Item F-1, 3. The quota update for red drum, of course, you know the quota increase was to 60,000 pounds. They did reach the 60-pound mark, and the season is closed effective October 31st.

Spotted sea trout, the quota is 50,000. They have reached 28,325 pounds. The season is closed. The active -- second part of the fishing season closes October 31st. As you well know, we extended it by one month.
The quota for flounder is 74,000 pounds. Landed so far is 26,279 pounds. This season is scheduled to close December 1st, 2015, pending reaching the quota.
With that being said, I'll move on to Item F-3, Oyster Season Update. The Commission on Marine Resources approved a special dredging season effective November 3rd through November the 7th. That's a Tuesday through a Saturday.
Unfortunately, the conditionally approved areas were closed on the 3rd and the 4th, which was the opening day, Tuesday and Wednesday, due to rainfall on the previous Saturday and Sunday.
However, the conditional approved areas were opened. They were open the entire time. It was just a small part of the area. There was one narrow area that was open, and during this time, we did have one fisherman that took advantage of the opening and during that season.
So for that special relay activity and

dredging activity, we had a total of two trips, one sack. Approximately one sack of legal size oysters was harvested, and 14 sacks of cultch material was moved to the designated cultch site area.
Additionally, the Commission on Marine Resources approved the opening of the 2015/2016 oyster season. That season opened for tongers on November the 10th and will continue on until its regularly scheduled time, which is generally in April. The tongers had a sack limit of seven sacks per day.
The scheduled season for the dredgers at that time was November the 10th through December the 12th, with a sack limit of 10 oysters, 10 sacks per day.
Again, the conditionally approved areas were closed on opening day, that Tuesday the 10th, due to rainfall. We did reopen on Wednesday and Thursday of that week, which was the 11th and the 12th. We then closed again on -- through this Friday, Saturday and Monday and Tuesday, today, due to river stage. And I'll give you an update on the current regular season landing so far.
We have a total of 74 trips that

occurred. 54 of those were taken out of Pass Christian and 20 out of Bayou Caddy. The number of sacks harvested, the total was 618. 427 were harvested out of Pass Christian and 191 were harvested out of Bayou Caddy.
With that being said, I'll entertain any questions by the Commission.
COMMISSIONER DRUMMOND:
It's closed right now?
MR. JEWELL:
It is closed right now. Our crews were out water sampling yesterday. It was somewhat limited in sampling and scope. We weren't able to get to the outer areas because of the rough weather conditions, but we were able to sample the interior areas, which are the areas that the Commission opened. We are expecting those water samples back later this afternoon.
COMMISSIONER GOLLOTT:
With that said, I would like to make a motion, and I would like to read the whole thing, and then we'll open it up for discussion and give everybody a chance to say what they want to on this.
I think a moratorium is necessary based

upon the limited resource, and in an effort to balance the interest of the industry with the limited resource, the CMR feels this moratorium is necessary.

Establish a licensed moratorium for current 2015 through 2016 season, oyster season, based on current license sales, by license type, effective November 17th, 2015.

Additionally, the CMR does hereby establish a hardship clause, that a fisherman can appeal through the Executive Director of the MDMR. If appeal is unresolved with the DMR Executive Director, fishermen can have a final appeal to the CMR at the next CMR meeting for the final resolution.

Okay. The next part of this motion is leave open Areas 1-B, 2-A, 2-B, 2-D, 2-E and 2-F, with a daily sack limit of 10 for tonging and 20 for dredging until 42,000 sacks of marketable size oysters have been harvested. The Commission gives the authority to the Executive Director to close the reef areas or the season as soon as the 42,000 sacks have been harvested.

Saying this, I would like to say that the staff has done a great job this year of checking

the reefs and estimating that we have 92,000 sacks of harvestable oysters. And the way I look at it, we've probably got another 100,000 sacks of oysters under three inches out there. And this is the reason for this. So I will open it up for questions or comments at this point.

MR. JEWELL:

I have a question. Okay. In the original motion adopted by the Commission at its October meeting, the areas that were open were Area 2-A, 2-B, 2-C, 2-D. So, could you repeat the areas that you are opening? Because I heard 2-F in there.

COMMISSIONER GOLLOTT:

Yes. 1-B, 2-A, 2-B, 2-D, 2-E, and 2-F.

MR. JEWELL:

Okay.

COMMISSIONER GOLLOTT:

I think that's everything, but the Southern Telegraph and Pass Marianne, down in that area, which is pretty much dead.

With no comments or if there's some fishermen who would like to say something --

MR. JEWELL:

I think, Steve, do you have a question?

DIRECTOR MILLER:

I'm sorry. Before we start discussing, I just want to make sure that -- Sandy and I sat down this past week, just wanted to make sure that -- well, one of the recommendations we wanted to have was to have John provide the motions on the big screen so we knew what motions were being presented and seconded and voting on, voted on.

Also, a part of that, was that we invite public comment on those agenda items.

So we want to get all this right. So I'm asking Sandy, a motion has been made. Do we want to get that motion on the big screen as presented before we start discussion?

MS. CHESTNUT:

Yes. I think there was actually two motions. One dealing with the license moratorium, and then the other, to open the season and what areas. So if we could get more specific on the license moratorium and how that is going to be.

COMMISSIONER BOSARGE:

And I guess that was where my comment was at. When it comes to license moratorium and trying to set up that program, I have been involved in that in the past in different

fisheries, and that's quite an undertaking, and there's a lot of work got to be done on that. I don't -- I don't see us being able to do that in this setting. I think that that --

MR. JEWELL:

I will comment on the motion for the moratorium. The Commission has charged the DMR staff in the past, on multiple years, I think it originally started in 2005 or '06 with a moratorium on license sales, and it continued on, I think even as late as 2012, 2013.

And the standards that were established sort of varied over a period of time, as I recall. But a lot of it -- some of the rules were or depended on previous years license sales, multiple years license sales. It also had the caveat in it that there was a hardship clause that the fishermen had the ability to appeal.

The way I understand the motion being presented today is that the moratorium would be effective today, and would be for those fishermen that are in the industry today that have purchased a license for this oyster season, and that if the Commission so passed that moratorium, it would become effective today, and those people that have

current licenses and all license type for this oyster season would be moratorium into the season, but those people that -- I mean, no one else would be allowed to purchase a license for this year. Is that correct?

COMMISSIONER GOLLOTT:

That's correct. And that was the intent of it. And I don't see a problem with that. I think most of us know the reason for that is we don't want a bunch -- if we raise the sack limits, we don't want a bunch of people piling in here hurting the fishermen.

And if you are going to fish oysters, you would have bought your Mississippi license already, so --

COMMISSIONER BOSARGE:

And is this moratorium just for one year?

COMMISSIONER GOLLOTT:

Just one year.

MR. JEWELL:

Most of the moratoriums were effective for one year and the Commission would reconsider, the staff would come forward with a reconsideration of each consecutive year. I don't know that it was a continuance. We've come

forward with a recommendation each year.

COMMISSIONER BOSARGE:

And, you know, Joe, there's been a lot of work done on oysters, and a lot of folks spent a lot of time meeting, talking, researching, a lot of folks. And I felt like that between all those meetings and between the staff, we had come up with a pretty fair management plan.

You know, oysters are deadly, and if you look out and you research and you see what's happened, especially on the east coast in, for instance, New York, where they have no oysters that are edible oysters, we're just a little behind the time in where we fall in that category.

I feel like that -- and I know in this motion or at least in the second motion, you talk about, Richard, the number of sacks that you feel is harvestable level. And can you give us some idea how you came to that number?

I mean, if you look at the -- what the staff has done and what the staff has presented, they talk about a percentage of the total harvestable oysters, and taking that certain percentage off of each reef, and in closing each reef when that harvest has been reached on that

reef, where we don't go out and take, I think you said, forty-something thousand. We don't wind up taking 40,000 sacks off of one area. We take a certain percentage.

And if you look at the different states and the way they do it, that appears to be the model that works the best.

COMMISSIONER GOLLOTT:

Steve, after talking to Patrick Banks for an extended period of time -- and I could be wrong, but I think they had one area that it was upwards of 70 percent. This would be less than 50 percent of the oysters that we are recommending for Mississippi.

You know, to the staff's credit, and it was the first time that I can remember that they've done this assessment and come up with how many sacks is available to harvest out there, plus, how many sacks will be -- basically, how many sacks will be ready in, say, six months or a year. And there's another 100,000 sacks coming right behind this.

In the past, no management plan at all, was just open it up and let the fishermen go catch whatever they could. We're not doing that. I

think we are managing this very well. And I think the market, and the fishermen, and the state will benefit by this 42,000 sacks. We harvested 28,000 last year, and it looks like we got more this year than we did last year, so --

COMMISSIONER BOSARGE:

And I don't have a problem if it's the 40,000 number you are coming to, but I think you need that number to fall within the management plan, in that if you are going to do the 40,000, and we say we are going to take 40 percent, then we take 40 percent from each reef, and when that number is reached off that reef, that reef closes. That falls in the management plan.

COMMISSIONER DRUMMOND:

I might be wrong saying this, but I'm going to say it anyway. It's my understanding that we've got 92,000 sacks of oysters out here on areas that are open to oyster fishing along the Mississippi coast.

Richard wants to take 42,000 of those, so that leaves 50,000, and that ought to be enough seed oysters for the next two years. Is that right, Joe?

MR. JEWELL:

As I understand it, that's Commissioner Gollott's request, yes.
COMMISSIONER DRUMMOND:
Is that what you mean, Richard?
COMMISSIONER GOLLOTT:
Yes. That's exactly what I mean. Not only that, we plan on having a -- and we've been working with the director on having a relay program, a transplant program to enhance our oysters. We are really looking to get up -- the Governor wants us to get up to about a million sacks. So I think we're headed in that direction.
Our staff, our oyster staff is coming up with this model that Louisiana is using. Louisiana has got four years in their model, and they said it's more right than it is wrong.
But I think the more data we get in this, the more we can manage this thing scientifically. And that's where we're headed.
COMMISSIONER DRUMMOND:
If we get the money that I think we're going to get, and that's probably $20 million to enhance the oyster industry in Mississippi, I think we're going to have a good oyster population within the next four years.

COMMISSIONER GOLLOTT:
But the Commission does want to do this scientifically. If there's a model we can come up with, and feed data into it, and come up with a rhyme or reason, you know, whatever the percentage is, that's where we're headed, and we're working with the staff on this.
Do we have some fishermen that would like to speak on this? Come to the podium and state your name.
MR. TILLMAN:
Ben Tillman. I was thinking, I don't know why you want to raise the sack limit. I mean, 10 sacks is perfect. I would rather work six months instead of working a month. I would rather get 10 sacks a day than get 20. Keep the reef open. They closed the season down, and the Pearl River didn't even get to the flood stage, so now we've got more rain coming, so we're going to be shut down again.
We've been dealing with this for the past four years. I mean, you can't work. I mean, you've got to do something to get the fishermen money. I don't know what you've got to do. We've got the Bonnett Carre` spillway that we got money

for, it's supposed to be for the fishermen. We ain't got none of that. You got BP money. It's supposed to be for the fishermen. Ain't got none of that. You all are giving to other people that's already got money. I mean, you've got to put the fishermen to work. I mean, that's the whole deal. That's what I think about it.
COMMISSIONER GOLLOTT:
Let me address that just a little bit. My concerns is, the way we are having opening and closing with the Pearl River, it looks like, to me, you would be better off catching 20 sacks, if you've got to miss two days, then you would catch up in a week, and that's where we are at on that.
MR. TILLMAN:
First of all, they said we are going by Louisiana, the same -- the way Louisiana does it. I've been working in Louisiana by Half Moon, right there by the Pearl River. I mean, Louisiana won't close like that, you know. They didn't even take samples. They closed the season down. They ain't had no idea, and they could have let us work. We could have had four days in already and got paid for it. Now we've got this rain coming, four to five inches. What are we going to do now?

Another two weeks off?
COMMISSIONER GOLLOTT:
Thank you, sir.
COMMISSIONER DRUMMOND:
Sir, what's your name?
MR. TILLMAN:
Ben Tillman.
COMMISSIONER DRUMMOND:
Ben, how would you like to get a subsidy from DMR?
MR. TILLMAN:
That would be fine.
COMMISSIONER DRUMMOND:
If you didn't catch any fish or quota of oysters. You would like that, wouldn't you?
MR. TILLMAN:
Yes, sir.
COMMISSIONER DRUMMOND:
You wouldn't want to work for it, would you?
MR. TILLMAN:
I mean, I like to stay busy. I like fishing. I like oystering. I like shrimping. I mean, this is what I did my whole life.
COMMISSIONER DRUMMOND:

Would you like to transport some oysters from Jackson County over to Harrison County?
MR. TILLMAN:
Yes, sir.
COMMISSIONER DRUMMOND:
Thank you, Ben.
COMMISSIONER GOLLOTT:
Thank you, Ben. Zachary Stube, did you want to speak?
MR. STUBE:
He said what I wanted to say.
COMMISSIONER GOLLOTT:
Andrew Livings?
MS. CHESTNUT:
For the record, Mr. Stube passed on the public comments.
MR. ANDREW LIVINGS:
My name is Andrew Livings. Just to give you an idea, I've been commercial fishing, oystering and shrimping probably 25, 26 years. And right at this time, our reefs cannot handle a raised sack limit for the simple reason, the area that we are working now is about the only place where there are any amount of oysters that can be retrieved at this time.

And to raise the sack limit to 20 sacks, the area would be completely destroyed. There's a lot of small, young growth on it, and with a 20-sack limit, you have the dredges being left in the water much longer, which is going to continuously roll the reef and destroy the smaller growth oysters on it. And I believe that if you raise the limit, it's going to destroy more than it's going to help more.
There's only one general area that has enough sustainability for this year. Because I've rode out with them when they did sampling to look around for the oysters, and our reefs are very severely hurt and damaged. And I honestly don't think we have the amount of sacks that you all say you have because I haven't seen that many live oysters on our entire reef.
And I just don't think it can handle a raised sack limit. Because we still have the basket dredges that are still in effect. Even though they passed a lighter dredge weight, they just cut some of the material off of these dredges.
And these type of dredges, the way they do, it's a fixed bag on it, and when they -- they

get super loaded down, it just acts as a plow, and it goes underneath them, and it just continuously rolls. The bag is not flexible. And that will be in the water also much longer than ten sacks.
So I believe we'll be doing more damage with the 20-sack limit than we would be with where it is now.
COMMISSIONER GOLLOTT:
Andrew, I've dredged oysters myself. Why would you leave the dredge in the water if you increase the sack limit? That doesn't make --
MR. ANDREW LIVINGS:
Because you are out there for an hour-and-a-half to two hours to catch ten sacks. You are out there for four hours to catch 20 sacks. You are doubling the amount of time that you are out there, so your dredge is going to be in the --
COMMISSIONER GOLLOTT:
You are not doubling the time you leave the dredge in the water.
MR. ANDREW LIVINGS:
But some people don't know what they're doing when they're out there dredging.
COMMISSIONER GOLLOTT:

That's a different problem.
COMMISSIONER BOSARGE:
Andrew, what you say kind of fits the model that the DMR wants to do, in that I understand most of the oysters are in one spot, but that's going to put most of the pressure in one spot. And that damage -- in other words, we have a bunch of reefs that probably don't need any effort on them. They need to be left alone.
But, at the same time, we need to protect what we have. And we don't need to go out there and dredge to get a few oysters and kill a lot.
I guess my point is, the model that they're using is to take a certain percentage off of each reef. It's not going to work very well for you being that -- because all of the oysters are in one place, that reef will close once that number of sacks is taken off of it.
But in the bigger picture, it's preserving it for next year, letting it grow. That's what, in my opinion, and the staff's, that's where we're at. We've got to back off of it some, at some point in time. And that's where I have the problem with maybe what we did last Commission meeting, and some with this, in that if

we're going to do it and we're going to open the season, let's set it up where there's only a certain amount taken off a certain spot and then it's over. It stops. Whether it be your 10 sacks or 20 sacks. I can look at both pictures of the 10/20 argument. I like what you say, in that it gives you more time, but it stretches it out, but you don't make as much money. There's six of one, half dozen of the other.

MR. ANDREW LIVINGS:

If you up the sack limit, that helps the dealers, you know, because they get more sacks for a lower price. If you leave the sack limit low, then they can come up with the price on the oysters and we can make more money there, also.

So it's a give and take deal. But, personally, I don't think the sack limit needs to be at 20 sacks because the reef cannot sustain a 20-sack limit. Because the amount of boats that I've just heard through the grapevine that's already coming that already have their licenses, they're leaving Louisiana to come over here because it's closer to home for a 20-sack limit, they can make close to the same amount of money as they are over there, but they already own

licenses. They're coming too. So that's going to be another 15 boats that's coming that already has a license that if the sack limit stays low, they'll stay over there, and that will put less pressure on our reef.

COMMISSIONER BOSARGE:

I see. Okay. Thank you.

COMMISSIONER GOLLOTT:

Okay. One more thing. I hear two things you are saying. You are saying you are worried about the price falling if we increase it to 20 sacks.

MR. ANDREW LIVINGS:

Yes, sir.

COMMISSIONER GOLLOTT:

I've talked to several dealers. The market price on the east coast and our area is roughly about $35 a sack, and I understand that's what they're getting. And I talked to some of the dealers, and they said if we increased it, he didn't see -- they didn't see the price falling. He said Mississippi has got a little bit better oyster than most places right now, so they're really after the Mississippi oysters.

The next thing I hear you saying is you

are worried about other boats coming over here and crowding you, and that's a legitimate concern, and we appreciate it.

Anybody else have anything for him? Thank you.

MR. ANDREW LIVINGS:

Thank you.

COMMISSIONER GOLLOTT:

John?

MR. JOHN LIVINGS:

Good morning. My name is John Livings, and I'm an oyster fishermen from Pass Christian. I've talked to several of you, not at the Commission meeting, before.

I don't like catching ten sacks. I'm not going to lie. It sucks. But I just don't think that we need to just up the sack limit because -- I mean, I know that the dealers need the product right now for Thanksgiving, and if they didn't need the product that bad, a 20 sack limit wouldn't even be -- it wouldn't even be a consideration.

So I know that the -- and the $35 for the sack limit that you were saying that -- a lot of the boats in Louisiana are getting $40 wholesale

right now, and with the sack limit being low in Mississippi at a $35 price, I mean, yeah, the fishermen are not going to make as much money, and they're going to complain and try to get the sack limit raised to get more product for the dealers.

But I just don't see the point in doing twice the damage to the reef to make the same money you should be making already. So I'm not for 20 sacks, for sure. I personally went out on Joe Jenkins' boat, with Scott Gordon and several others, and we looked at quite a few different areas, Square Ancient Reef, right on the east side of it, in between the shoals. There wasn't even no shells. It was just dead bottom.

We checked several other places that 80 to 85 percent dead loss. One of the areas on the tonger reef we looked at was 75 to 80 percent dead loss of the newer growth, the small oysters that were not legal to harvest last year.

So to open it up with a higher sack limit would be better for the fishermen to make more money, but it would also bring every person that has already bought a Mississippi license, whether it be from Alabama, Louisiana, wherever they're from, back to catch 20 sacks instead of 10.

And if you just want to raise it, raise it to 12 or something. 20 sacks is just too much.

COMMISSIONER DRUMMOND:

John, how would you like to discontinue the oyster fishing this year in Mississippi?

MR. JOHN LIVINGS:

I wouldn't at all because I have kids to feed and bills to pay, too. I definitely would not want to close it. I just think we need to do it the right way.

COMMISSIONER DRUMMOND:

So 10 as opposed to 20, huh? 10 sacks?

MR. JOHN LIVINGS:

I would definitely rather catch 10 than 20 this year. I mean, if it just needs to be raised to meet their quota, raise it a couple of sacks. You don't have to go 10 sacks all at once. I'm always the one wanting a higher sack limit. And, Mr. Richard, you know I've talked to you several times. But when the DMR asked us to go out on the boat with them and look at areas, and I showed them areas to look at, and we take the time to do it, but it seems like every time we do it, when we ask for something, it's just kind of -- they are going to do just the opposite anyway.

So the fishermen are getting frustrated, and they don't want to be a part of anything because they're never listened to anyhow. So I don't know. I don't know what the answer is.

COMMISSIONER ZIMMERMAN:

Where we sit at and where I'm at, I look at we have a depleting resource, and it's becoming hotter and hotter under our tail, per se, because it is -- it's depleting. It's not getting better. We were here last year having this same conversation. We were here the year before having semi this conversation. It's getting worse, not better.

So with that said, you know, we've got to come up with a plan. That's what we're trying to do. We're trying to work towards getting something that's going to get you all back working every year, year after year.

MR. JOHN LIVINGS:

Well, our problem started a long time ago when the law was actually changed for, like, our shell tax. The fishermen pays half of the Mississippi shell tax and the dealer pays half.

Well, 50 percent of the shells sold in the state was mandatory to go back on the reef.

Well, that law has been changed. And if you look back to when that law was changed, our sack limit started going down every single year.

So now, we still pay half the shell tax, but the dealer just sells the shells to the highest bidder. I mean, last year, all of our shells went to Louisiana. They didn't -- well, most of our shells went to Louisiana. So, yes, Louisiana is going to do much better than us. They have all of our shells and --

COMMISSIONER DRUMMOND:

John, another question. Can you live on $350 and $400 a day? Can you --

MR. JOHN LIVINGS:

That sounds good. That sounds like money.

COMMISSIONER DRUMMOND:

Buy your fuel and whatever?

MR. JOHN LIVINGS:

Well, I'm going to have to. I'm one of the fishermen -- I just don't have the heart to tell my crew that's been with me for 15 and 20 years that they don't have a job because somebody else messed up, you know.

So I'm just going to -- whatever I have

to do this year to keep my crew going, that's what I'm going to do, whether it be just split it even with them so they can at least -- it's hard to ask a man to go to work oystering on a boat for $50, $60, $70 a day, it is. But every one of them has said that they would rather make that for a while, instead of making $100, $150 a day for a week, you know. It just doesn't add up, you know.

COMMISSIONER GOLLOTT:

John, do you tong or dredge?

MR. JOHN LIVINGS:

I do both. Whatever needs to be done, we do it. And we work multiple boats if we need to, you know. I may go dredging, and come in and go back out tonging. Whatever I have to do to keep my -- I own three dredge boats, is what I own, and I have -- I used to have seven guys. Well, now, I don't have seven guys with me anymore. I have -- well, we still have six, counting myself, five and me. So whatever I have to do to keep them employed working, that's what I'm going to do, whether it's dredging, tonging, cultivating, transplanting, whatever.

COMMISSIONER GOLLOTT:

Thank you, John. And the reason for this

is, is to try to help the fishermen.
MR. JOHN LIVINGS:
Yeah, I understand. I know you have good intentions. I just think that 20 is too many.
COMMISSIONER GOLLOTT:
Would 15 be better?
MR. JOHN LIVINGS:
How many licenses have already been sold? Do we know what that is, for in state and out of state? How many have been sold as of this date?
COMMISSIONER GOLLOTT:
I don't know, but I highly suspect there's a lot of people that didn't buy an oyster license this year because they weren't coming over here with this small --
MR. JOHN LIVINGS:
Well, they are bound to have the line out the door over there getting them right now because some dealers may have told them there's going to be a moratorium. You know how it works.
COMMISSIONER BOSARGE:
One thing. John, how do you feel about the management plan that has been proposed where you take a certain percentage off each reef and at that point it closes? I know that makes it harder

on you.
MR. JOHN LIVINGS:
I think it looks good on paper. I think in the real world, it doesn't work that great, because if we take 20 percent off of this reef and it's got plenty of oysters, 20 percent of nothing is still nothing. If there's not anything there to catch --
COMMISSIONER BOSARGE:
Well, I just want to know if we take a hundred percent off of one spot, then we've got everything --
MR. JOHN LIVINGS:
Well, I don't think a hundred percent, definitely. But I believe if we go to work, and the trip tickets are going to tell when people are coming in with their landings. If they're still catching oysters at the end of that time period, and the same amount of time as when they started, then there is more oysters than what we thought was there. So you can kind of manage it on a percentage of the times and how quick people are getting their limit, a legal limit to -- I mean, nobody really knows what's on the bottom. I mean, we can -- on paper, it all looks great. If it

takes me an hour-and-a-half to catch ten sacks right now, and 40 -- well, December the 12th, if it takes me an hour-and-a-half to catch ten sacks then, then somebody was off on their percentage and we need to stay working on that spot.
COMMISSIONER GOLLOTT:
John, don't you -- I've heard deplete. Don't you leave everything that's under three inches out there?
MR. JOHN LIVINGS:
Everything.
COMMISSIONER GOLLOTT:
So you are not taking everything off the reef. All you are doing is harvesting the ripe fruit. You are leaving the rest of the stuff out there.
MR. JOHN LIVINGS:
That's right. And what Andrew was saying about the -- we appreciate the effort on the dredges, but that was another thing I was saying. When the fishermen put their information to, it's always re-routed or something different. It's never what's asked or -- and it's not by you all's. And I've personally been, for about six years now, trying to get -- talking with Scott and

trying to get basket dredges outlawed. And to lower the -- that -- the weight limit, that did nothing. It did absolutely nothing.
So until we first take care of what's tearing up our reefs and then get our shells back out on the reef, I mean, we are going to be fighting this forever.
COMMISSIONER GOLLOTT:
Thank you, John. We appreciate your comments.
On the motion, instead of 20 sacks, I'd like to modify it for 15 sacks for dredging, 10 sacks for tonging. We'll see how that works.
COMMISSIONER ZIMMERMAN:
Mr. Chairman, can we get the motion up? I think that's what Jamie asked for earlier. We've got parts of two motions.
MR. JEWELL:
I think the first motion up for consideration is the moratorium on license sales. I think Sandy had asked for clarification for that motion to be read into the record, and for John to present it on the screen. So, Commissioner Gollott, could you read that motion so John could present it --

COMMISSIONER GOLLOTT:

Establish a license moratorium for current 2015 and '16 oyster season based on current license sales by license type effective November 17th, 2015. Additionally, the CMR does hereby establish a hardship clause --

MR. JEWELL:

Commissioner Gollott --

DIRECTOR MILLER:

Why don't we just hand you the piece of paper he's reading from. That way, he can transcribe it.

COMMISSIONER BOSARGE:

While you are doing that, I would like to ask Ms. Chestnut a question. Can we legally do that, put a moratorium on --

MS. CHESTNUT:

Yes. The Commission does have the authority to establish a moratorium. And that is in 49-15 --

COMMISSIONER BOSARGE:

Without any public comment or anything?

MS. CHESTNUT:

We've asked for public comment, right?

COMMISSIONER BOSARGE:

Pardon?

MS. CHESTNUT:

I don't think anybody spoke to the moratorium.

COMMISSIONER DRUMMOND:

I don't understand, Steve. What are you asking?

COMMISSIONER BOSARGE:

Well, I don't know. I guess what I'm saying is, all the moratoriums I've ever been involved in, it's a long, drawn-out process. In other words, at some point, you are excluding somebody that feels that they shouldn't have been excluded. And if you don't do it within a certain path, then it's not -- what I've always considered not legal.

MR. JEWELL:

Well, I think the Commission -- I think the way I understand the motion is that there's a hardship clause, but there's no definition what that hardship clause is.

So any fisherman that's not able to buy a license would be able to appeal directly to the Executive Director, and it would -- the process wouldn't end there. If, say, for instance, if the

fisherman, for whatever reason, was not able to purchase a license, that fisherman would be able to appeal to the Executive Director. And if he did not find relief from the Executive Director, that fisherman would be able to appeal directly to the Commission on Marine Resources at its next Commission meeting. At least that's the way I understand the motion as it is now. So it wouldn't be a 100 percent exclusionary motion, the way I understand it.

And that's similar to the way the moratoriums were in place in the past. But I do agree with you, the way the moratoriums were established in the past, there was a process that was established that the Commission required the staff to go through. It was based on license type, license participation. There was a summary of I think the years that were involved, the fishermen were involved.

But that sort of evolved over the years. The program was in place, I don't know, six, seven, eight years, and it evolved each year. Like I said, it was renewed annually. The Commission had to vote on it annually to keep it in place.

DIRECTOR MILLER:

If I understand what Steve's getting at, I think Steve is asking Sandy, does the Commission have authority to put in place a moratorium which would not require that an ordinance or a regulation be changed. Normally, if we are going to change an ordinance or a regulation, we go out a notice of intent, a 30-day process, public comment.

But I believe Sandy is saying that that is not necessary. The Commission can take action and establish a moratorium for this season for oyster commercial licenses. Is that accurate?

MS. CHESTNUT:

That's correct. Under 49-15-16, the Commission does have the authority, and it does not require a regulation change. There's always going to be different methodology in how you impose the moratorium, and those are always subject to challenge. So it just depends on what the Commission feels comfortable doing in imposing a moratorium.

And this motion, from what I can tell, does have a hardship provision, which we've included in the past.

COMMISSIONER BOSARGE:

And we've had three people get up and talk about the limits, and one of them said as many as 12, and we're at 15 on the dredges. Is that where you want to keep that?

COMMISSIONER GOLLOTT:

Well, we --

MS. CHESTNUT:

I think if we could just address the first motion dealing with the moratorium first, and then we can go into more discussion on the second motion.

MR. JEWELL:

So I think, Steve, what I'm hearing you say is, this motion on the moratorium is similar to the motions that the moratoriums that the Commission has adopted in the past, in that it has the license and the consideration for a hardship clause, but it's dissimilar from the moratoriums in the past in that it's effective now, whereas in the past, there was a time period for considerations of data and other things that took place. Is that correct?

COMMISSIONER BOSARGE:

Correct. Yes. I can recall one year in

Louisiana where they didn't actually do a moratorium. Basically, they said, you have one month to buy your license, and if you didn't buy it in that month, then you didn't have a license for the year. But they later determined that that was, so to speak, unconstitutional. So I just don't want us to step off into something like that.

I'm all for trying to capture the effort that we have now and not let it increase, so if we do it correctly --

MR. JEWELL:

So the answer to the license sales, I don't know that actual number right now, but traditionally, we sell just over 200 licenses, somewhere between 200 and 300 licenses a year.

I think the more accurate way to measure that, because we have individuals that buy a license that they don't traditionally harvest on that license, they just buy them because they have bought them historically every year. We have people that buy a license that harvest very low numbers. We have people that have mechanical issues or crew issues that prevent them from harvesting at all.

The real heart of the question is, the trip ticket data, how many of these people that had bought 200-plus licenses are actually harvesting. So I can get that number for the Commission. Because of those numbers that purchase licenses, those 200-plus, you know, the numbers that are actually out there working every day -- so far, we've had around 30, 35 boats out each day that are actually harvesting. So the number of license purchase is not a true indication of effort.

COMMISSIONER BOSARGE:

I think that leads back to a point in time back a few years, where we basically said if you didn't have a license in the previous year, you couldn't purchase a license. Now that folks have their license, they make sure, whether they use it or not, they get it for the next year.

MR. JEWELL:

And as I understand your motion, anyone that doesn't -- most people -- Commissioner Gollott is correct. Most people that are in the industry that are traditional oyster harvesters have already purchased their license. And you heard a couple of the fishermen say that. Most

people have purchased their license.

But if someone hasn't purchased their license, my understanding, the way the motion reads, that they would be able to appeal that. They would be able to come to the Executive Director, or if they found no relief, they could come before the Commission on Marine Resources and appeal that.

COMMISSIONER GOLLOTT:

Okay. Anybody else? Do I have a second on the motion for the moratorium?

MR. HARMON:

Mr. Chairman, I'll second that.

COMMISSIONER GOLLOTT:

We have a motion. It's been seconded. All those in favor say "aye."

(All in favor.)

COMMISSIONER GOLLOTT:

Opposed?

Motion carries.

Okay. We're going to the next motion.

COMMISSIONER DRUMMOND:

Excuse me, Richard. We have gone to 15 sacks?

COMMISSIONER GOLLOTT:

No. We're fixing to do that. That's in the second motion.

I just have a comment. And I've heard several people say that you'll take one spot, and just wear it out, and there won't be any oysters left. That's not really true. If a fisherman gets down to where he can't catch a good amount of three-inch oysters, he's going to leave all the under three-inch size there. He's going to move to another area. I think that will take care of itself. Do you understand what I'm saying?

MR. JEWELL:

And I do note that the Commission is delegating the authority to the Executive Director to close specific reefs or areas.

COMMISSIONER GOLLOTT:

Okay. Is there anything else we need to put in there for safeguards for the Director that you can think of?

DIRECTOR MILLER:

Joe, can you read the motion?

MR. JEWELL:

The motion to leave open Areas 1-B, 2-A, 2-B, 2-D, 2-E, 2-F, with a daily sack limit of 10 for tongers and 15 for dredgers until 42,000 sacks

of the market size oysters have been harvested. The Commission gives the authority to the Executive Director to close reefs, areas or the season as soon as the 42,000 sacks have been harvested.

COMMISSIONER DRUMMOND:

We ought to think about one other thing, reducing the 42,000 sacks, because they only can get 15 a day, rather than 20. Should we do that?

MR. JEWELL:

The Commission absolutely can consider that.

COMMISSIONER BOSARGE:

Could we do it instead of -- in an effort to try to get into a management plan of some type or another, instead of stating 42,000 sacks, can we say 40 percent or whatever? In other words, I think the total is 86,000 sacks of harvestable oysters, which that's about 50 percent. Try to get it -- let's try to ease towards a management plan at some point in time.

COMMISSIONER GOLLOTT:

Well, that's what we're attempting to do, is a management plan. I think it was 92, wasn't it, Joe, the last meeting?

MR. JEWELL:

The last meeting, the number -- it's a variation. On the low end, it's about 86. On the upper end, it's about 92, is what the data that Dr. Lucas presented to the Commission. So either one of those figures, some percent.

I think the number that's being presented in the motion is somewhere towards 50 percent. The Commission certainly can reduce that number or increase it. It's the prerogative of the Commission. Mr. Drummond?

COMMISSIONER DRUMMOND:

I didn't hear you, Joe.

MR. JEWELL:

I said, it's the prerogative of the Commission to set that number. You can certainly reduce it or you can increase it.

COMMISSIONER BOSARGE:

Or just restate it as 50 percent of the harvestable oysters, market --

MR. JEWELL:

The market size oysters, and that being the 92,000 figure?

COMMISSIONER GOLLOTT:

Well, our fishermen only harvested 28,000

sacks last year. Is that correct?

MR. JEWELL:

The actual number was 20,055 sacks.

COMMISSIONER GOLLOTT:

So that's half of this. I, personally, don't think they'll reach this. What are we going to do when we try to get a million sacks out there? I think we're trying to split hairs here. 50 percent doesn't bother me, if that will make it more palatable.

MR. JEWELL:

The overall staff's recommendation or the presentation that you heard by Mr. Gordon and Dr. Lucas's last presentation was to try and to present a sustainable harvest. We were not necessarily trying to direct the Commission to one specific model. What the staff and Dr. Lucas was trying to present to the Commission was to try and move us in the direction of adopting a sustainable harvest. That's what we were trying to do.

And I hear the Commission trying to direct us in that, also.

COMMISSIONER BOSARGE:

I hate to see the conflict between us up here, but that's my point. Where is this going to

move us towards a sustainable harvest? Where -- how does -- show me the signs that -- and, Richard, I'm not pointing the finger at you, but show me the signs that says that what you want to do here is going to help us right now, but is also going to help us in the future.

COMMISSIONER GOLLOTT:

Well, the science is, you are leaving 100 percent of the small oysters out there under three inches and 50 percent of the three-inch oysters. You've got to start somewhere. And the science is, the model that Louisiana has been using for four years now, and what it points to, and we hope to do the same thing in Mississippi with the model.

But leaving all these oysters out there to die or take a chance, the fishermen make a living on these things. That's what it's all about.

MR. JEWELL:

I want to make one point. I don't necessarily see this as a conflict. I think there's always room for open discourse or conversation between the Commission and the staff. I absolutely don't see this as a conflict.

I think what I'm hearing the Commission say this morning is that they understand the resource. They understand the condition of the resource. I'm hearing that from all of the Commissioners this morning.

I think the Commission considers things that the staff necessarily doesn't. And you've heard the comments from the fishermen this morning. And the Commission -- the fishermen approach this from a very different perspective. This is their livelihood. This is how they make their living. They pay bills. They have to support their children, their families. So the Commission has to consider that.

Now, what I'm hearing the Commission this morning consider, I think you all are on board with the science. You all all understand that at some point, we have to adopt some sort of sustainable condition or model. I think we are all on that boat. We all understand that.

I think what you all are trying to do this morning is find some equitability, some compromise between that resource and making it right for the fishermen this year.

So the only thing I think in the motion

that there's some discourse or some variation that we have to find a solution for is, what's that number that's going to make it right now for the fishermen and going to make it right for next year and the future.

COMMISSIONER ZIMMERMAN:

And I would agree, yes. You know, we had three fishermen stand up and say 10 sacks is plenty, and we put 15, and I won't vote for that because of that. We had three men just ask us to go at 10, and we went at 15, and I disagree with it because of that. I think Steve does, also.

MR. JEWELL:

But I hear the Commission, you all have the opportunity now to address that. You all have the opportunity to compromise. You all have the opportunity to work with one another and find some resolution to that.

But I think we're all on the same page. We're all working from the same script. We all agree that the resource is depleted, that we all have to work together to find a solution for the future.

COMMISSIONER BOSARGE:

I guess me, it's like you said, Joe, we

had how many, twenty-something thousand sacks?

MR. JEWELL:

We had 20,055 sacks that were harvested last year.

COMMISSIONER BOSARGE:

I just can't understand how if we had 20,000 sacks harvested last year, and the resources aren't any better than they were last year, how can we put a 42,000 number up there?

COMMISSIONER GOLLOTT:

Well, wait a minute. Nobody said the resources are not better than they were last year. There's no scientific evidence on that. We may be a hundred percent better.

COMMISSIONER BOSARGE:

I disagree. The information that was presented to us at the last Commission meeting by Scott Gordon showed our reefs in worse shape this year than they were last year.

COMMISSIONER GOLLOTT:

Not if we've got 92,000 sacks out there.

I think we've beat this horse to death. Can I get a second on my next motion on the season?

COMMISSIONER DRUMMOND:

Did we reduce the number of sacks?
COMMISSIONER GOLLOTT:
To 15. Basically, we split the difference. We compromised on that.
COMMISSIONER DRUMMOND:
What about the total? Did we do anything about that?
COMMISSIONER GOLLOTT:
Let's go to 40,000 on that.
COMMISSIONER DRUMMOND:
Let's go to 30.
MR. JEWELL:
Sandy, if you can update me on that. Shelby would have to make a friendly amendment to the motion? So, Shelby, you have to make a friendly amendment, and you have to get a second to it.
COMMISSIONER DRUMMOND:
Make it 35.
MR. JEWELL:
So I'm hearing Commissioner Drummond making a friendly amendment for 35,000. I think we have to get a second for that motion.
COMMISSIONER ZIMMERMAN:
I'll second.

DIRECTOR MILLER:
Let's make sure we have the motion presented properly on the screen and let Sandy referee the voting.
COMMISSIONER GOLLOTT:
I'll amend the motion, because I made it, and you can second it, if you want to.
COMMISSIONER DRUMMOND:
Okay.
MS. CHESTNUT:
So Richard amended the motion. So the new motion is 10 for tongers, 15 for dredgers, 35,000 sacks total, with the same areas that were in the original motion.
COMMISSIONER ZIMMERMAN:
And could I make a friendly adjustment on it, also, and go down to 10 sacks for dredgers?
COMMISSIONER GOLLOTT:
Do what?
COMMISSIONER ZIMMERMAN:
10 sacks on the dredgers?
COMMISSIONER GOLLOTT:
No. No. I'm not for that.
COMMISSIONER BOSARGE:
He asked -- you can --

COMMISSIONER ZIMMERMAN:
That's what I'm asking.
MR. JEWELL:
Sandy, can I make a point of order? Now, the way I understand Robert's Rule of Law, a friendly motion can be made, but it has to have a second. And if it has a second, it's voted on. If it fails, then it goes back to the original motion, correct?
MS. CHESTNUT:
Right.
COMMISSIONER ZIMMERMAN:
We need to vote on Shelby's. Shelby got his --
MS. CHESTNUT:
Richard adopted Shelby's suggestion. So that's fine because Richard made the original motion to amend that.
COMMISSIONER ZIMMERMAN:
So I would like to make a friendly motion to change from 15 to 10 for dredgers on the sack limit.
COMMISSIONER BOSARGE:
And I'll second it.
COMMISSIONER GOLLOTT:

We have a motion and a second. All those in favor say "aye."
Let's have a roll call just to make sure. Steve, how do you vote?
COMMISSIONER BOSARGE:
Aye.
COMMISSIONER GOLLOTT:
Ernie?
COMMISSIONER ZIMMERMAN:
Aye.
COMMISSIONER GOLLOTT:
Shelby?
COMMISSIONER DRUMMOND:
Aye.
COMMISSIONER GOLLOTT:
And Ron?
COMMISSIONER HARMON:
Aye.
COMMISSIONER GOLLOTT:
And I vote no. So the motion carries. That's 10 sacks for tonging, 10 sacks for dredging.
COMMISSIONER DRUMMOND:
Pardon me. I didn't know we changed the number of sacks. Did you change it to 10?

COMMISSIONER GOLLOTT:
No.
COMMISSIONER DRUMMOND:
I don't want to do that.
COMMISSIONER GOLLOTT:
Okay.
COMMISSIONER DRUMMOND:
I'm sorry. I vote no.
COMMISSIONER GOLLOTT:
How about you, Ron? You want to go for 10 or 15 sacks?
MR. HARMON:
I want 15. That was the motion that I was looking at.
COMMISSIONER GOLLOTT:
How do we straighten this out now?
MR. JEWELL:
Well, for clarification purposes, why don't you let me read the friendly amendment motion as it was made by Commissioner Zimmerman. Sandy, is that -- let me read the motion for the Commissioners, and you can take your roll call vote.
Motion to leave open 1-B, 2-A, 2-B, 2-D, 2-E, 2-F with a daily sack limit of 10 for

tongers, 10 for dredgers until 35,000 sacks of the market size oysters have been harvested. The Commission gives the authority to the Executive Director to close reefs, areas or the season as soon as the 35,000 sacks have been harvested.
That's the friendly amendment that has been made by Commissioner Zimmerman and seconded by Commissioner Bosarge.
COMMISSIONER GOLLOTT:
Let me roll call again. I'll start. Richard votes no on that friendly amendment. Shelby?
COMMISSIONER DRUMMOND:
Shelby votes no.
COMMISSIONER GOLLOTT:
Ron?
MR. HARMON:
I vote no.
COMMISSIONER GOLLOTT:
Steve?
COMMISSIONER BOSARGE:
Aye.
COMMISSIONER GOLLOTT:
And Ernie?
COMMISSIONER ZIMMERMAN:

Aye.
COMMISSIONER GOLLOTT:
Motion carries with 15 sacks for dredging. Okay. It's denied. And then you can read that motion again. How does that work?
MR. JEWELL:
The friendly amendment motion failed. It reverts back to the original motion, which is the motion to leave open Area 1-B, 2-A, 2-B, 2-D, 2-E, 2-F with a daily sack limit of 10 for tongers, 15 for dredgers until 35,000 sacks of the market size oysters have been harvested. The Commission gives the authority to the Executive Director to close reefs, areas or the season as soon as the 35,000 sacks have been harvested.
COMMISSIONER GOLLOTT:
Okay. We have a motion, a second. All those in favor say "aye."
(Aye votes.)
COMMISSIONER GOLLOTT:
Opposed?
COMMISSIONER BOSARGE:
Opposed.
COMMISSIONER ZIMMERMAN:
Opposed.

COMMISSIONER GOLLOTT:
Motion carries. Let's move on.
MS. CHESTNUT:
I need a clarification on the moratorium motion. I'm sorry to go back to this, but the moratorium is effective for license sales as of yesterday or the end of today?
MR. JEWELL:
Today.
MS. CHESTNUT:
The end of today.
MR. JEWELL:
If there are no further questions, that concludes the presentation from Marine Fisheries.
COMMISSIONER GOLLOTT:
Okay. Next, we have Coastal Resource Management, Mr. Jan Boyd.
MR. BOYD:
Good morning, Mr. Chairman, Commissioners, Director Miller, legal.
We have five action items on the agenda for your consideration this morning, and Willa Brantley will be presenting the first one.
COMMISSIONER GOLLOTT:
Willa, would you mind if we took a break?

MS. BRANTLEY:

Not at all.

COMMISSIONER GOLLOTT:

Okay. Let's take about a ten-minute break.

(Off the record.)

COMMISSIONER GOLLOTT:

I'd like to call this meeting back to order. We'll continue with Mr. Jan Boyd or Ms. Willa.

MS. BRANTLEY:

Good morning. Again, we are going to consider this month a Request For Permit by the Mississippi Department of Environmental Quality. The location is on the Mississippi Sound, south of the Hancock County marshes, from the mouth of the Pearl River to approximately four miles northeast of Heron Bay. It includes Heron Bay, and it's located south of Ansley in Hancock County. It is currently a general use district and a preservation district, and the agent is Covington Civil and Environmental, LLC.

We went through the whole presentation last month, and you had a pretty extensive write-up on this last month and this month. So

unless you want me to, I wasn't planning to go through all of the decision factors again. I would be happy to, if you would like that.

COMMISSIONER GOLLOTT:

No, ma'am. Thank you.

MS. BRANTLEY:

If you have any specific questions for myself or the applicant, there's representatives from DEQ and from their consultants here who are willing to answer any questions you have about the project.

Other than that, I will remind you that we will be considering a use plan change from the General Use District and the Preservation District to a Special Use S-6 For Restoration and a variance to Chapter 8, Section 2, Part III.0.1 of the Coastal Program, which states, "Permanent filling of coastal wetlands because of potential adverse and cumulative environmental impacts is discouraged."

So if you don't have any questions, based upon departmental review and evaluation, and based on the decision factors in Chapter 8 of the Coastal Program, it's been determined that the project will have a significant public benefit; therefore, staff recommends that the Commission approve the variance request and use plan change, and issue the requested permit with the following conditions:

That the marsh creation area is monitored for invasive species and removal is performed, as necessary, and that any beneficial use of dredge material project for marsh creation in the future will require appropriate testing and approval of material as recommended by DEQ's Office of Pollution Control.

COMMISSIONER GOLLOTT:

Does anybody have any questions for Ms. Willa? I think we have Chris LaGuard that wanted to speak now, if you don't mind.

MR. LAGUARD:

Chris LaGuard, 525 Old Spanish Trail, Bay St. Louis, Mississippi.

I guess, at the beginning, let me say I'm opposed to the project as it currently stands, just for the record. We obviously need to do something down at Heron Bay. It is eroding. It is probably the most eroding shoreline that we have in coastal Mississippi.

My concern is, is that as I've stated at

numerous meetings, I don't think this project is big enough. We were given $50 million, and I believe we were told to design a project based on that $50 million. And that's no way to do a coastal restoration project.

The planning of the rock in Heron Bay, I think is a good idea, or the cultch material, whatever it may be. I would suggest you may want to make it a little bit bigger cultch material to keep the thieves out of there, because if you get oysters growing in Heron Bay, you are going to have folks that are going to want to go in there and get them.

And building the marsh is a good idea. My main concern is, I don't think that we stepped off the shoreline far enough and recouped enough of what we've lost through the years. I think we have an opportunity to do this project and to do it right.

And I understand the dye has been cast. DEQ is the applicant. It's going to be hard for anybody to change anything. But I just wish that -- one of the things that I've been told recently is -- and I was involved in putting concrete at the mouth of Bayou Caddy. It didn't actually go

where we wanted it to go. And that concrete came from the Bay St. Louis Highway 90 bridge. And I've been told that that's creating some scouring effect on that Bayou Caddy, mouth of Bayou Caddy.

One of my concerns is, if we do this project and we get scouring, is there a remedy for that? Do we have money to fix it? Along shore scouring is one of the things I've been concerned about.

So I just wanted to get on the record that I'm opposed -- probably, it's not going to make any difference, I understand that -- but I just would be remiss if I didn't get up here and at least say some of the objections I've been saying all along still remain.

So with that, I'll --

COMMISSIONER ZIMMERMAN:

Chris, I would like to tell you that most of your questions, I've asked. I've spent a lot, a lot of time on this project, actually met with engineers and all last week. And I have -- being from Hancock County, I have the same concerns. The scouring is one thing I hadn't asked. And as you mentioned, it is happening at Bayou Caddy. You can almost drive a boat behind the rocks that

was supposed to build land, and it's going the opposite effect.

I did ask the question about followup, are we going to followup behind these projects, and I've been told yes. So my hope is that the answer is an honest answer to me, and that they will be watching this, so if it is doing something wrong, they can correct it before it gets bad. So that's where I'm at. Thank you for your time.

COMMISSIONER DRUMMOND:

Chris, you say you like the project, but you don't think it's big enough.

MR. LAGUARD:

That sounds unusual, doesn't it? That sounds unusual, coming from me, if you know anything about me.

COMMISSIONER DRUMMOND:

It does. So don't you want them to try it anyway?

MR. LAGUARD:

Once we put those rocks down, they're not going to come up.

I believe we could have stepped offshore a little bit further. I don't know what the historic loss is there, but I'm sure it's greater

than what we're going to rebuild.

COMMISSIONER DRUMMOND:

You can remove the rocks at a future time.

MR. LAGUARD:

That's true, but I don't see that happening. I just wish that if we were going to build it, we would go ahead and build it big.

COMMISSIONER DRUMMOND:

How do you know that won't happen?

MR. LAGUARD:

Well, because of the money. It would be extremely difficult to justify getting the money to move the rocks that we put down if the project doesn't work the way it's going to work. I think it will work.

COMMISSIONER DRUMMOND:

Have you spent the whole $50 million?

MR. LAGUARD:

Well, it's going to be spent. I mean, you start putting down that large armor stone, it doesn't take long. Plus, you've got the engineers and the consultants that are being paid to design it. So $50 million sounds like a lot, and it is a lot, but it's -- once you put that rock down, I

would suggest it's going to stay.

I would like to get money to move that rock that the bridge company put down and try to put it where it needs to be. Not the rock, the concrete that's stuck at the mouth of Bayou Caddy because that was a -- we can talk about that later, but -- that concrete, in my estimation, ought to be replaced somewhere.

COMMISSIONER ZIMMERMAN:

Just to give a little history to you about this. In 2007, when we -- the Jailhouse Reef in front of Buccaneer, Lighthouse Point was where we asked EMR to set those rocks. We collected those rocks in Bay St. Louis on the American Legion Pier, and DMR, Kerman Cuevas, who was over the rocks at that time was putting them out.

And that's where our first point from CCA Bay Chapter, we asked Lighthouse Point to put those rocks, and we couldn't get it permitted at the time so it went in front of Buccaneer Park.

MR. LAGUARD:

The rocks I'm talking about are the ones right off of Bayou Caddy that actually came from the Bay Bridge. We caught them crushing concrete

that they wasn't supposed to be crushing, and frankly, they were mad at us. And MDOT made them move that material, the bridge. And they just put it haphazard at the mouth of the -- and if you've been to the mouth of Bayou Caddy, you know what I'm talking about. You look out there and you say, what in the world were they trying to do? Well, that's what happened. They were mad. And they just put it down helter-skelter at the mouth of Bayou Caddy, not at Jailhouse.

COMMISSIONER ZIMMERMAN:

Thank you, Chris.

COMMISSIONER GOLLOTT:

We have a recommendation from the staff. Do we have a motion on this recommendation?

COMMISSIONER BOSARGE:

I'll make a motion we accept the staff's recommendation and approve the permit.

COMMISSIONER GOLLOTT:

Do we have a second?

COMMISSIONER ZIMMERMAN:

I'll second.

COMMISSIONER GOLLOTT:

All right. We have a motion and a second. All those in favor say "aye."

(All in favor.)

COMMISSIONER GOLLOTT:

Opposed?

Motion carries. Thank you.

MS. BRANTLEY:

Thank you.

MR. CHRISTODOULOU:

Good morning, Commissioners, Director Miller, Sandy. This is a Request For Permit Modification by Diamondhead. It's on Paradise Bayou, which is the main canal that leads to the Diamondhead Marina. It's in the General Use District. And the agent is Anchor QEA.

I gave part of this presentation last Commission meeting. The description of the project is, this is a thin layer disposal project. Basically, what it is, is putting dredge material into a slurry. And this material will be pumped over approximately 30 acres of adjacent tidal marsh and the adjacent material will range from three to six inches. That's going to be the wet thickness of the material.

Here's a diagram or over aerial of the areas, the Diamondhead exit. This is the southern part of Diamondhead. Here's the marina right

here.

And here is a diagram. Originally, the project was supposed to be in upland disposal, and that could still be a possibility.

At this time, the beneficial use statute was very new, and since this was not public trust tidelands or state-owned water bottoms, they did not have to go beneficial use with this material.

The current proposal is to broadcast the material in this area along the marsh area. And here's a look out over that marsh area.

And the last Commission meeting, the Commission asked me to contact some other states and do a little more follow-up with some of the projects that they have had in other states doing this same method of material.

And one that I came across was an area, and this is in Delaware. And just for a point of reference, this was a project that was done by the state of Delaware to place this material in a couple of different areas. This red area was a demonstration area. It was taking place in the winter of 2013. And then another area, a larger area was done just to the east as a continuation in the fall of '13.

And one of the things that I wanted to show you -- and this is the most recent aerial image that I have. And I don't know, it may show better on some of these other monitors, but you can see this area has filled in very nicely. It's a pretty green area. I don't know if the photos that you have show that. But you can see this is just two growing seasons since the -- the placement of that material on that marsh. And this is Delaware, which has a much shorter growing season than our area.

So I will get to the decision factors now. The project is a cost-effective method for disposal of dredged material. And this will also be a test project. So this is just a test project. Like I said, if, for some reason, it does not work, you will probably never see another one. So if the project results are found to be successful, what this can open up for, is it can open up a large number of sites that can be used for beneficial use throughout the Mississippi Gulf Coast. And the project is allowable within the General Use District.

Two variances were required for this project. The first is that areas containing

submerged aquatic vegetation or regularly flooded emergent vegetation shall not be used for dredge material disposal and permanent upland disposal sites or deepwater disposal sites shall be used in preference to coastal wetland disposal.

Justification for the project for the variances was that this is for long-term enhancement and preservation of the marsh. Marsh can eventually subside and erode, deteriorate. It's dependent on having sources of material come into them through floods, through storms and material being deposited in there to maintain those elevations. Over the long-term, if those inputs are not there, you lose that marsh.

Also, since this -- if you notice -- and I'll go back to the site, itself. You'll notice that back in probably the '50s or '60s, this canal was cut right through this area. So one of the inputs for sediment at this location was lost because there's no longer a connection to this upland area. So those were the justifications for the variances.

Now, the project will set a precedent by allowing dredge material to be placed in marsh areas, but this methodology of disposal of dredge

material has been used in other states. It's been used in Alabama, Louisiana, North Carolina and Delaware, so both in the Gulf of Mexico and the Atlantic.

There will be a short-term decrease in plant density and decrease and displacement of benthic organisms, but the long-term expectation is that plant density will increase or at least return to pre-placement conditions.

The full extent of the project, the maintenance dredging is approximately 9,000 cubic yards of material on that main canal, and then to dispose of that material in a three to six-inch layer on the 30 acres of adjacent marsh.

This material will be tested prior to it being placed, just as any beneficial use material would be. There is a contingency plan in place. DMR staff will be present, myself, and likely, Jarrod Harris, with our beneficial use coordinator will be on-site as this work is being done.

And the contingency plan is, if they have areas that exceed nine inches of elevation when they spray this, they will pump water from the canal to flatten out and disperse those areas down to the recommended elevations.

Also, there is a monitoring plan to monitor the elevations of this area and to monitor the plant density and growth following the project.

The alternative site is the previously authorized upland location, which can still be used. Beneficial use, again, is not required for this project, and also, there are no beneficial use sites in Hancock County at this time.

Maintenance dredging requires a waterfront location and dredge material disposal does not.

The initial material placement will cause a temporary impact to scenic qualities, but those qualities will improve gradually as the plants recover and new growth fills in.

Public notice was placed in both Sun/Herald and Sea Coast Echo, and we received no public comments.

DEQ is reviewing the project. Archives and History has no reservations. And the Secretary of State's office has no issues, as it is a test case, and wants the monitoring in place. Wildlife Management and Parks has recommended that Best Management Practices be utilized.

And based on our review, the staff recommends the Commission approve the applicant's variance and modification requests with the following conditions:

That, one, the material is suitable for beneficial use.

That the contingency measures outlined be followed, should the material exceed the allowed thickness.

That staff is present when this project is taking place and the monitoring requirements are followed, and then I will present those monitoring results each year to the Commission and Water Quality Certification from DEQ.

And, Mr. Wendell Mears, from Anchor is here, and for the Commissioners who were here last time, he did a short presentation about the thin layer process. If you would like to see that again, he can go through that or --

COMMISSIONER GOLLOTT:

I don't think that's necessary, unless someone wants to see it. I asked you last meeting to go back and make sure that this was -- what he was telling us was correct, and you've come back and --

MR. CHRISTODOULOU:
I've checked. I've contacted people in Louisiana, and then the study in Delaware, so -- it's very frequently done in Louisiana.
COMMISSIONER GOLLOTT:
Thank you. We have a staff's recommendation. Do we have a motion?
COMMISSIONER ZIMMERMAN:
I'll make that motion, Mr. Chairman.
COMMISSIONER GOLLOTT:
We have a motion. Do we have a second?
COMMISSIONER BOSARGE:
So second.
COMMISSIONER GOLLOTT:
All those in favor say "aye."
(All in favor.)
COMMISSIONER GOLLOTT:
All opposed?
Motion carries. Thank you.
MR. PICKERING:
Good morning. My name is Chris Pickering. I will be presenting two items to you today.
The first is a request for a permit extension by City of Pascagoula. It's located

just waterward of the existing seawall on Beach Boulevard in Pascagoula, Jackson County, Mississippi. It is in the General Use District, and the agent is BMI Environmental Services.
The applicant is requesting a three-year extension of the permit. What was previously permitted was a concrete pedestrian pathway measuring 10,500 feet by ten feet in width, and it was approximately 2.4 acres of fill.
A variance to Chapter VIII, Section 2, Part III.0.1, which states that "Permanent filling of coastal wetlands because of potential adverse and cumulative environmental impacts is discouraged."
And here's a diagram of the sidewalk basically going along the beach. Here's an aerial. You have I-10, Highway 90, Market Street, coming down to Beach Boulevard in Pascagoula. And here's the zoomed in aerial. Basically, this is approximately where the sidewalk starts and it runs all the way to the end of the beach.
On August 18, 2010, a Permit Application was submitted to DMR with an Environmental Impact Assessment and a Request For Variance.
On October 19th, 2010, the Commission

approved the Permit Application.
On September 11 of 2015, DMR received a request for a three-year extension of the permit.
The staff of the Department of Marine Resources has conducted a thorough evaluation and recommends approval of the three-year extension request.
Any questions?
COMMISSIONER GOLLOTT:
With no questions, do we have a motion?
COMMISSIONER DRUMMOND:
Mr. Chairman, I'll make a motion we accept this application request.
COMMISSIONER GOLLOTT:
Mr. Drummond has made a motion. Do we have a second?
COMMISSIONER BOSARGE:
I'll second the motion.
COMMISSIONER GOLLOTT:
A motion and second. All those in favor say "aye."
(All in favor.)
COMMISSIONER GOLLOTT:
Opposed?
Motion carries.

MR. PICKERING:
Next up is a request for After-the-Fact Waiver. It's a violation by Michael Davis, DMR-140348. It's located on St. Louis Bay at 311 Sandy Hook Drive in Pass Christian, Harrison County, Mississippi. It is in the General Use District, and the agent is A Step Above Marine Contractors.
Here's an aerial, Highway 90, Bay St. Louis, and the yellow thumb tack is the property. A zoomed in aerial, this is where the pier will be coming out. Well, it's already built now.
Before, what was permitted was a bulkhead, 106 linear feet. And here's all the structures for the piers that were permitted, and the total square footage for the permitted structures was 980 square feet.
Existing there now, the total square footage is 1,115 square feet. And there is a new proposed pier that's 30-by-10, and another triangular shaped pier that's proposed, 7-by-8 feet. The new proposed total square footage will be 1,143 square feet.
This is the diagram of what was permitted before, and this is the existing structures, along

with the proposed. Most of it was built in the same -- kind of the same footprint, just a little bit bigger. There was some added on areas, and, of course, the new additional pier.

Here's a picture of what is existing.

On August 4, 2014, a general permit was issued to the applicant totalling 872 square feet.

On June 18th, 2015, a GP modification was issued to the applicant totalling 980 square feet.

On August 6, 2015, DMR received an application proposing a modification to existing permit to construct an additional 30-by-10 foot pier.

On September 2nd, the staff conducted a site visit and measured the existing structures. The existing structures were out of compliance with the previously issued GP modification, and the square footage exceeded the amount allowed under a GP.

On September 11th, the applicant and agent were notified that an after-the-fact application would be required.

On October 7th, DMR staff received that after-the-fact application for existing structures.

So this was our recommendation. Staff has conducted a thorough evaluation, and because a certificate of waiver would have been issued had an application been submitted prior to construction, recommends that the Commission approve the applicant's request for after-the-fact authorization.

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

The violation was discovered on September 2nd, 2015, and the duration was 35 days. The maximum fine is $17,500, and the staff is recommending a fine issued to the agent, A Step Above Marine Contractors, in the amount of $500.

The agent constructed the structures out of compliance with the previous permit. The agent is familiar with the permitting process.

The applicant has been very cooperative throughout the after-the-fact permitting process.

Any questions?

COMMISSIONER GOLLOTT:

Anyone have any questions or want to make a comment?

COMMISSIONER DRUMMOND:

I'd like to make a comment that he exceeded the footage required or requested, and we are only fining him $500, and the potential fine is $17,500.

I make a motion that we make the fine -- up the fine to $1,000.

COMMISSIONER BOSARGE:

And the question I had was on the overages, it appears to me that on one of them, it was basically the overhang of the roof that exceeded the permit specifications?

MR. PICKERING:

Yes. The gazebo area with the covered roof was built, I believe, a little over a foot wider and longer than it was supposed to.

COMMISSIONER BOSARGE:

Was it built a foot wider and foot longer or was the actual -- what you would say the eaves of it --

MR. PICKERING:

It was the overhang, yes.

COMMISSIONER BOSARGE:

The overhang. In other words, I guess when somebody laid it out, they didn't think about an overhang?

MR. PICKERING:

That's possibly what happened.

COMMISSIONER BOSARGE:

Was that the case on the other structure, the boathouse?

MR. PICKERING:

Well, there was a pier that was built three feet longer, and I believe a foot wider, so that put quite a bit extra square footage on that, because it was a 33-by-10 foot pier. It was supposed to be 30-by-8. And then there was a pier added between the gazebo and the boathouse that added some more on too.

COMMISSIONER GOLLOTT:

But to reinforce Shelby's motion, this is a contractor who knew what he was doing or should have known what he was doing, so --

If nothing further, we have a motion. Do we have a second?

MR. HARMON:

I second that motion, Mr. Chairman.

COMMISSIONER GOLLOTT:

We have a motion and a second. All those in favor, say "aye."

(All in favor.)

COMMISSIONER GOLLOTT:
Opposed?
Motion carries.
DIRECTOR MILLER:
Just to be clear, the motion was to take staff's recommendation to approve the after-the-fact permit but increase the fine to $1,000?
COMMISSIONER GOLLOTT:
That's the way I understood it. Is that right, Shelby?
COMMISSIONER DRUMMOND:
That's correct.
COMMISSIONER GOLLOTT:
Thank you.
MR. AKINS:
My name is Autry Akins, and up for consideration today is a request for after-the-fact waiver by Mr. Elmore, Sr. It is also a violation for an unpermitted structure. It is located on the Tchoutacabouffa River, at 2344 North Country Club Lane in Biloxi, Harrison County, also in the General Use District.
There is an aerial of Mr. Elmore's location. As you can see, southeast of I-10,

northwest of Popps Ferry Road. And here is a closer aerial of the property, itself.
The project description is of a pier and uncovered boat lift which have been constructed without a permit. The applicant is also seeking to construct approximately 80 linear feet of bulkhead, as well as repair an existing permitted pier.
General overview, what was existing pre-2008 was an access pier and finger piers totalling 1024-1/2 square feet.
What was permitted in 2008 was a covered boathouse, measuring 24-by-14, at 336 square feet, and then the unauthorized structures discovered were piers, uncovered boat lift at approximately 403 square feet.
What is proposed would add no additional square footage, repair of bulkhead and repair of existing pier, and that section of pier would be approximately 30-by-10.
Excuse my graphic design skills, but here is an overview detailing what is permitted and unpermitted. As you can see, the L-shaped pier structure with the uncovered two pylon lift attached to it on the east.

General overview of the Elmore's property. And, again, here is a photo of the two pylon lift and the L-shaped pier structure. And, again, another view.
Pretty straightforward timeline. On the 26th of August, the application was received for the proposed construction, like I said, approximately 80 feet of bulkhead, reconstruction of previously permitted pier.
On the 9th, a site visit revealed an unauthorized pier, uncovered lift. The applicant was notified that an after-the-fact application would be required.
And just the next day, on the 10th of September, request was made for after-the-fact authorization of the pier and uncovered lift.
The staff, the DMR has conducted a thorough evaluation, and because the project would have been authorized through a Certificate of Waiver if the application had been properly submitted, we recommend that the Commission approve the request and issue a fine in accordance with 49-27-51.
The violation was discovered on the 3rd of September. The duration was only two days. So

the maximum potential fine would be $1,000.
We are recommending that a $500 fine be issued to the applicant, and that it's based on that the applicant is familiar with the permitting process, has obtained permits in the past, and has been very cooperative throughout the after-the-fact process.
Any questions?
COMMISSIONER DRUMMOND:
Mr. Chairman, I make a motion that we reduce the fine to $250, and go along with the staff recommendation.
COMMISSIONER GOLLOTT:
Why would you want to reduce the fine?
COMMISSIONER DRUMMOND:
It just doesn't seem like it ought to be $500, in that the maximum fine is $1,000.
COMMISSIONER GOLLOTT:
The applicant had already permitted one pier, so he knew he had to get a permit to build this, right?
MR. AKINS:
That would be correct, from what we've gathered.
COMMISSIONER DRUMMOND:

Somebody want to talk about it?
COMMISSIONER GOLLOTT:
The applicant wants to say something.
MR. ELMORE:
I'm speaking on behalf of my father. My name is Paul Elmore. The contractor at the time in 2008, he handled getting the permit and everything.
All the construction that you are seeing that's not in the original permit, the property owner was under the impression it was all permitted.
All the construction took place at the same time in 2008, and it wasn't until I came up here three months ago and applied for a bulkhead permit that anybody was even aware that the L-shaped pier and the two pylon boat lift was not under the original permit. So here we are now getting an after-the-fact permit.
COMMISSIONER GOLLOTT:
Okay. Thank you. Mr. Drummond, would you like to stay with your motion?
COMMISSIONER DRUMMOND:
Yes.
COMMISSIONER GOLLOTT:

Do I have a second?
MR. HARMON:
Mr. Chairman, I'll second that motion.
COMMISSIONER GOLLOTT:
We have a motion and a second, all those in favor say "aye."
(All in favor.)
COMMISSIONER GOLLOTT:
Opposed?
Motion carries. Thank you.
Next, we've got Office of Finance and Administration.
MS. WILLIAMS:
Good morning, Commissioners, Director Miller and Ms. Chestnut. These are the financial results as of October 31st, 2015.
At the end of October, we had state revenue of $4.6 million, and total agency revenue was $14.6 million. State net income is $1.5 million, and our total agency net income for this fiscal year is $8.5 million.
After four months of fiscal year '16, we're in good shape, from a budget standpoint. We have 83.6 percent of our operating budget still remaining and 82.7 percent of our tidelands budget

remaining. Any questions?
COMMISSIONER GOLLOTT:
Thank you very much. Okay. I think we've got Melissa up next.
MS. SCALLAN:
Good morning, Director Miller, Commissioners, Ms. Chestnut. The Mississippi Department of Marine Resources was mentioned 86 times in local, state and national media since the last Commission meeting. The items of particular interest included oyster season, the closing of red snapper season in state waters, and the plane crash in Jackson County.
We also participated in several events in the last month, including the Jackson County Fair and the Peter Anderson Festival.
Mississippi Seafood sponsored ten chefs in the Oyster Cook-off in Gulf Shores, Alabama. And Ty Thames of Restaurant Tyler in Starkville, and Ryan Bell of Hal and Mal's in Jackson both won first place awards.
The Grand Bay NERR hosted 13 events in the last month, including a field trip they hosted for the National Estuarine Research Reserve during its annual meeting. They also participated in the

Jackson County Fair and the Peter Anderson Festival.
Our Marine Patrol Office participated in several outreach events in the last month, including the Biloxi Police Department Safety Day, Career Day at Pass Road Elementary, Jackson County Conservation Day, and the WJZD Kids' Safety Fair in Gulfport this past Saturday.
Marine Patrol, so far in fiscal year 2016, has had seven Boat and Water Safety classes and certified 132 student.
One other thing I want to make you aware of is that Chief Davis and I worked very closely together during the plane crash and dealing with the families, and the media, and the public. And everybody was complimentary, told me how good of a job they did, how concerned they were in the thoroughness of their search. And the families, the community, the media all complimented them on their work. So I wanted to let you guys know that. Any questions?
COMMISSIONER DRUMMOND:
I didn't get to go to the Jackson County Fair this year. Was DMR present over there?
MS. SCALLAN:

Yes, sir. We had a booth for the whole week.

COMMISSIONER DRUMMOND:

A booth?

MS. SCALLAN:

Uh-huh.

COMMISSIONER DRUMMOND:

And we had DMR's activities?

MS. SCALLAN:

Yes, sir. We had all of our brochures available, some derelict crab traps, and we had all of our promotional items available.

COMMISSIONER GOLLOTT:

Thank you, Melissa.

Do we have any other business for this Commission?

COMMISSIONER BOSARGE:

I just had something I wanted to say. Melissa, with the plane crash, it's sad that we haven't recovered the plane and there hasn't been a recovery.

But I've tried to keep in touch with most of the fishermen over my way, but come this coming season, when it opens the season, that's when we need to really pay attention, because if it's

going to be found, that's probably when it will be found, when one of the fishermen find it. So, anyhow, we just have to pay attention come this next opening. Thank you.

COMMISSIONER GOLLOTT:

Okay. I don't think we have any more public comments. If we do, raise your hand please. With no other business before this Commission, do I have a motion to adjourn? Mr. Drummond, do I have a motion to adjourn?

COMMISSIONER DRUMMOND:

Mr. Chairman, I make a motion we adjourn.

COMMISSIONER GOLLOTT:

Do I have a second?

COMMISSIONER BOSARGE:

So second.

COMMISSIONER GOLLOTT:

All those in favor say "aye."

(All in favor.)

COMMISSIONER GOLLOTT:

Opposed?

Adjourned.

(Meeting concluded at 11:18 a.m.)

CERTIFICATE OF COURT REPORTER

I, MONICA SCHROEDER, Court Reporter and Notary Public, in and for the County of Jackson, State of Mississippi, hereby certify that the foregoing pages, and including this page, contain a true and correct transcript of the proceedings as taken by me at the time and place heretofore stated, and later reduced to typewritten form by computer-aided transcription under my supervision, to the best of my skill and ability.

I further certify that I am not in the employ of, or related to, any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of the proceedings.

Witness my signature and seal, this the _____ day of _____, 2015.

_____

Monica Schroeder, RPR, CRR, CSR #1285
My Commission Expires July 19, 2019