COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, May 17, 2016
9:00 a.m.
Bolton State Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

Richard Gollott, Chairman
Shelby Drummond, Vice Chairman
Steve Bosarge
Ron Harmon
Ernie Zimmerman

Also Present:

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

COMMISSIONER DRUMMOND: Richard Gollott asked me to chair this meeting today, and I reluctantly said, "Yes, I'll do that, Richard." I said, "What's wrong?"

He said, "Oh, I've got a little voice problem."

I said, "Do what? You never have had a voice problem before." I mean, the man can talk. Anyway, I said, "Yes, Richard, I'll do it."

At this time, I call this meeting to order.

This is May the 17th, 2016, the third Tuesday in May. We have a meeting every month on the third Tuesday.

We like to have our guests here at these meetings, and we like to hear your comments, also.

Can you hear me?

FROM THE FLOOR: Yes.

COMMISSIONER DRUMMOND: If you want to address the Commission, if you would, get a form back there on that table and fill it out and put your name on it and your affiliation and, as we go down the agenda, we will call on you. If you do that, you are welcome to speak to the Commission.

Right now, I will lead us in the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER DRUMMOND: The first item on the

agenda is to approve the minutes from the April 19th meeting.

Do I hear a motion to approve the minutes from the last meeting?

COMMISSIONER GOLLOTT: I'll make a motion, Mr. Chairman, that we approve the minutes from April the 19th.

COMMISSIONER DRUMMOND: Does anybody have any corrections, or additions, to the minutes?

(No response.)

COMMISSIONER BOSARGE: I'll second the motion.

COMMISSIONER DRUMMOND: I hear a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER DRUMMOND: All opposed say aye.

(None opposed.)

COMMISSIONER DRUMMOND: None opposed. The motion carries.

Sandy, do you want to come on, at this time?

COMMISSIONER GOLLOTT: No. We need to approve the agenda, first.

COMMISSIONER DRUMMOND: The next item is to approve the agenda.

Are there any additions to the agenda?

COMMISSIONER GOLLOTT: I have one modification, Mr. Chairman, take off B1. That item has been resolved.

COMMISSIONER BOSARGE: I also would like to ask to amend the agenda to include a Red snapper State Season discussion and put it as F4.

COMMISSIONER DRUMMOND: Snapper season?

COMMISSIONER BOSARGE: Yes, sir. I make that in the form of a motion.

COMMISSIONER DRUMMOND: Any other additions?

(No response.)

COMMISSIONER DRUMMOND: Do I hear a second to the motion to approve the minutes?

COMMISSIONER ZIMMERMAN: I'll second his motion.

COMMISSIONER DRUMMOND: All those in favor say aye.

(All in favor.)

COMMISSIONER DRUMMOND: All opposed say aye.

(None opposed.)

COMMISSIONER DRUMMOND: The amendment carries.

Jamie, the Executive Director's report.

JAMIE MILLER: Yes, sir. Thank you, Chairman Drummond.

At this time, I would like to ask Officer Daniel Boyer to come to the front of the room.

Is Officer Boyer here?

FROM THE FLOOR: Yes.

JAMIE MILLER: Come up here. We are going to

try to embarrass you. Stand here and face the crowd. I want to talk about you for a few minutes.

Yesterday, one of our very own Marine Patrol officers was awarded the title of the Mississippi Coast Law Enforcement Officer of the Year. He received the award at the annual Law Enforcement Appreciation breakfast sponsored by the Mississippi Coast Crime Stoppers organization.

I would like to just take a few moments to share the actions that lead to Officer Boyer's award.

On March 19th, 2016, at approximately 3:55 p.m., DMR officer Daniel Boyer responded to a call concerning two missing kayakers south of Arbor Station Apartments in Pass Christian, Mississippi.

The reporting party was one of three kayakers in the group. He stated he had to leave the other two boaters, a man and a woman, to get help when all the kayaks capsized in heavy seas.

The woman's kayak sank completely, forcing her to tread water to stay afloat. The man's kayak was unable to be righted, forcing him to cling to it, as both were quickly swept away by strong currents. Neither of the two boaters were wearing a personal flotation device.

Officer Boyer was the first to respond to the area, having less than a twenty-minute response which

included launching the patrol boat.

Officer Boyer located the woman the first, deployed a life ring and pulled her aboard the patrol boat.

Utilizing information gathered during her rescue, Boyer assisted in directing other responding boats to the location of the second boater. He was found nearly three miles south of the woman's location.

Both victims were taken to Pass Christian Harbor.

Boyer quickly accessed the woman for any medical conditions, realized signs and symptoms of hypothermia, and, then, called for an ambulance.

At the harbor, both subjects were assessed for hypothermia, treated onsite, and released approximately an hour later by paramedics.

Both victims expressed they had already made peace with their God and were minutes away from giving up.

The woman told officers that if Boyer's attempts to rescue her from the water had failed, she would have had no energy left to continue treading water. She was sure she was going to drown that day.

Officer Daniel Boyer has continued to strive for excellence in his career as a Marine Patrol officer, producing quality natural resource cases, conducting

boating safety patrols to protect the boating public, and participates in community outreach programs on behalf of the Mississippi Department of Marine Resources.

Through Boyer's hard work and dedication to the job, the maritime community recognizes him as an officer they can rely on for help and trust him to protect the resources of the State of Mississippi.

Please join me in congratulating Marine Patrol Officer Daniel Boyer.

(Standing ovation.)

JAMIE MILLER: Officer Boyer, I hope that wasn't too hard for you.

These guys do a lot of hard work, and they consider that just part of their job and they don't look for recognition. They just look to do their job day-to-day, and we don't get to recognize them enough.

When someone stands out and the community and the Gulf Coast recognizes someone, I think it is appropriate to take time here to do the same.

Thank you again, Officer Boyer. Thank you, Marine Patrol. Thank you, Chief Davis for all the leadership you are providing.

That concludes my report, Chairman Drummond.

COMMISSIONER DRUMMOND: I would like to make a comment. I have a little problem hearing things today,

and I left my aid at home. I should have brought her with me.

If the staff that is making presentations this morning would really speak up so I can hear you, I would appreciate it.

The next item on the agenda is Office of Marine Patrol, Chief Davis.

KEITH DAVIS: Good morning Commissioners, counsel, Director Miller.

You have the report in front of you. The only two things that I would like to point out are the crab violation citations where we wrote two citations for theft of crab traps, during the cleanup that we did last month, but I do want to point out that that case has been resolved.

The victim, in that case, agreed not to pursue charges against the Defendant for taking his crab traps as it was what we believe is an honest mistake.

Do you have any questions about the report this month?

COMMISSIONER DRUMMOND: Chief, I have a question; under Fishing Violations, over the limit of Vermillion Snapper.

I looked at some of the fishing regulations, but they were older regulations that said that the limit was

seven, I believe.

Has that changed?

KEITH DAVIS: No, sir, but snapper season was not open, during this time.

Is that what you are asking me, Mr. Drummond?

COMMISSIONER DRUMMOND: No. It just said violation citations on fishing, and it said over the limit of Vermillion Snapper one.

KEITH DAVIS: One citation was issued. That's not the number of fish.

COMMISSIONER DRUMMOND: Over the limit?

KEITH DAVIS: Yes, sir. One citation was issued for over the limit of Vermillion Snapper.

COMMISSIONER DRUMMOND: What is the limit?

COMMISSIONER BOSARGE: I think, Commissioner Drummond, he is saying because the season was closed there was no limit. In other words, anything he possessed would be over the limit.

I think that's what you are trying to say?

KEITH DAVIS: That's correct. This particular person had Vermillion Snapper and other species of snapper, as well.

COMMISSIONER DRUMMOND: Thank you, Chief.

KEITH DAVIS: If there are no other questions, that concludes our report.

COMMISSIONER DRUMMOND: The next item on the agenda is the Office of Marine Fisheries.

I saw Joe Jewell in the store the other day, and I didn't realize how tall Joe was. I had to look up to him.

JOE JEWELL: Thank you, Chairman Drummond.

COMMISSIONER DRUMMOND: Joe Jewell probably has some tall words for us, right now.

JOE JEWELL: Most people have to look up to me.

Chairman Drummond, I want to point out to the Commission and audience that you have been awfully kind to me over the years, by affecting the elusion that I'm a soft-spoken gentlemen, by creating this atmosphere that I have to speak up so that you can hear me. Whereas most of the staff and the Commission know that that is otherwise, that I actually am very easily heard and very easily understood, and I do appreciate you creating that elusion on my behalf.

COMMISSIONER DRUMMOND: Are you saying you are a loud mouth?

JOE JEWELL: Absolutely not.

I'm going to move into the agenda and my opening comments. They are quite lengthy this morning, so I'm going to try and be as short as possible.

First up is an oyster season update. I have

been quite detailed in the oyster season update over the past two, or three, meetings. I'm going to give a summary of the overall effect of the season and, if you have any questions, I will be glad to answer them. Hold on. It's been a tumultuous oyster season, and I'm just going to hit the highlights.

The oyster season, as you recall, opened on November the 10th, and, then, about a month later, on December the 11th, we issued a precautionary harmful algal bloom closure, and subsequent to that about a month later, on January the 10th, the Bonnet Carre Spillway opened, and, then, about a month later, on February 1st, 2016, the Bonnet Carre closed.

In reaction to that, the Commission, through the aid of the DMR, had an oyster relay program that lasted for about three days. It was January the 18th through January the 20th where we relayed, from St. Joe to some selected areas, about thirty-nine thousand sacks of oysters and we employed about ninety-five fishermen.

Then, on March the 3rd, 2016, we reopened the oyster areas that had been closed because of the harmful algal bloom. We, then, again closed the oyster season on March the 11th, 2016, due to river stage and rainfall.

Then, we reopened the oyster areas 2E and 2F, on March the 30th, for one day. We closed that same day at

4:00 p.m., due to bad water samples.

We, again, reopened on April the 27th and closed the next day on April the 28th due to rainfall.

We, again, reopened on May the 9th, and officially closed the 2015-16 oyster season on Friday, May the 13th. Yes, that was Friday, the 13th.

We harvested a total of forty thousand three hundred and fifty sacks for the 2015 oyster season.

Does anybody have any questions?

COMMISSIONER GOLLOTT: Joe, wasn't last season, like, twenty-six thousand sacks?

JOE JEWELL: I think it was twenty-six thousand and fifty-five sacks. Somewhere right in that neighborhood.

COMMISSIONER GOLLOTT: So we almost doubled last season. Even with all the bad weather and everything we have had, we have almost doubled the number of sacks.

JOE JEWELL: We did pretty good. Absolutely.

COMMISSIONER BOSARGE: How many actual working days was that?

Have you calculated that?

How many days was it open?

JOE JEWELL: We did calculate that. I don't have that in front of me. We were open slightly less than we were in 2015. I apologize. I don't have that in front

of me.

COMMISSIONER BOSARGE: That's fine.

JOE JEWELL: Next up, I have an update on the Conservationist. As you know, we lost our flagship back in 2014. It has been up on the shipyard. The repairs are coming along really well. I have been updating the Commission at each of the meetings. In July, hopefully, a reinauguration into the fleet.

The structure for the overhead canopy has been completed onto the Conservationist. The bow rail has been added.

Because of the modifications to the Conservationist with the overhead dredge system, a safety feature is required to be installed, the bow rails, to prevent people from falling over because you are going to have to be up on the bow, now, to operate the vessel.

The new shaft has been installed and they have begun installation of the overhead winches onto the frame.

It is coming along fine and we are anticipating no delays, but, in saying that, I'm hoping that everything stays on task. So far, we are not anticipating any delays.

An update to the commercial quotas.

Flounder, as you know, the quota is seventy-four thousand pounds. We are at nine hundred and forty-four.

COMMISSIONER GOLLOTT: Mr. Joe, Excuse me. Let's back up to the Conservationist.

JOE JEWELL: Sure.

COMMISSIONER GOLLOTT: When can we expect this thing to get off the yard?

JOE JEWELL: Well, everything is on schedule. They are slightly ahead of schedule, but, in saying that, we have added some modifications to the ship because, when we issued the contract, we didn't anticipate certain modifications that would have to happen because of the overhead dredge and some of the system requirements.

They have made up some time, and the contract goes through July the 14th. That is when they are scheduled to be totally completed. They have until then, and we are hoping they will finish before then.

COMMISSIONER GOLLOTT: Have we set up any time to start bedding shells for the reefs?

I see the people in Louisiana are starting to bed their reefs, now, for catching the spat.

JOE JEWELL: We are internally discussing that. We still have some time before we do that. It's not likely we will have a spring shell plant. We are doing some modifications to some of our areas. You are going to see that in some of the presentations I'm going to give shortly.

Some of our area management, we have dedicated a lot of time to that, right now. We are anticipating some fall plants, right now.

COMMISSIONER GOLLOTT: Thank you, Joe.

JOE JEWELL: I'm going to go into the commercial quota update.

Flounder is seventy-four thousand pounds. We are at nine hundred and forty-four pounds landed so far.

Red Drum, we have a total of sixty thousand pounds. They are set up in increments of twenty thousand pounds with three four-month periods. We are at a total of thirty thousand six hundred and ninety-five pounds.

Spotted Seatrout is fifty thousand pounds total. They are in three seasons, with one closed season November through January. We're at a total of thirteen thousand seven hundred and eighty-five pounds.

Are there any questions?

(No response.)

JOE JEWELL: My final update to the Commission, before we get into the main agenda, I'm going to give you a short update on the Spotted Seatrout Stock Assessment. I have been giving updates to the Commission. I know that y'all are very interested in this topic.

An internal DMR Stock Assessment Review Panel was established to address the review of the stock

assessment for the Spotted Seatrout.

The panel reviewed that document and provided input, during the week of April the 25th through the 29th. Those issues were addressed and completed.

The document was sent out for an external peer review, on Friday, the 29th, with a thirty-day deadline. That was sent out to three individuals for review on that panel.

To date, we received one of those reviews back. We are fully on schedule with that peer review.

We are anticipating, with no issues arising, coming before the Commission as early as July with a final presentation for consideration.

The Commission is aware that we have a joint panel for stock assessment between the MDMR and GCRL. I gave a presentation on that panel a couple of months ago. We meet quarterly.

At the last Commission meeting, we met right after the Commission meeting to discuss species that are to be considered as we move forward.

I told the Commission informally and the next species that will be considered are Sheepshead, Black Drum and Red Drum.

We have already started the data inputs for Sheepshead and Black Drum, and I want to make the

Commission aware of that and, if the Commission has any other species of concern that they would like us to consider, please let us know and we will be very willing to take those up, also.

With no further questions, we will move into the main agenda items.

First up is Mr. Rick Burris with the 2016 shrimp season update.

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

Today, I'm going to give the Commission an update on the 2016 Mississippi Shrimp Season.

As we all know, the shrimp fishery is vitally important to the Coast economy.

An economic impact study of the Mississippi shrimp fishery was done by Benedict Posadas from Mississippi State University Extension Center in 2014, and he noted that the shrimp fishery produced a hundred and thirty-two million dollars in sales impacts, fifty-two point three million dollars in income, ten point two six million dollars in taxes, and almost three thousand industry-related jobs.

This chart shows all landings and value of all species combined for the last twenty years. The red bars are the landings head-on in millions of pounds, and the

black line is the millions of dollars in value.

Our landings were almost cut in half, after Hurricane Katrina. You can see that right here, and, of course, the year of the oil spill it was down considerably (indicating chart).

The last few years, it started coming back up. If you will notice the price here, in 2013, was higher than normal. As you remember, the lack of imports coming in made the price go up, and it has continued to trend down as those imports have started to come back in (indicating chart).

Last year we landed around nine million pounds, with a value of fifteen million dollars.

This chart shows our licenses sold. The red bar is resident commercial. The blue bar is resident recreational. The green bar is non-resident commercial. That little purple bar which is very low is non-resident recreational.

Once again, our license sales went down considerably after Katrina. We sold about eighteen hundred licenses every year, prior to Katrina. Since then, we have sold an average of about nine hundred. Last year we sold seven hundred and fifty (indicating chart).

This map is our shrimping grounds. As you know, the yellow areas are closed to all commercial fishing,

including shrimping. That's our bays and our rivers and the one-mile boundary around the Gulf Islands National Seashore.

The color is kind of strange, but this green area right here is one-half mile from the shoreline. That is reserved for our live bait shrimpers only (indicating map).

This yellow line that intersects the Mississippi Sound, that is the Intracoastal Waterway. All areas north of that, that light blue closes December 31st annually, and, then, the dark blue area south of that closes April 30th annually (indicating map).

We were able to extend that this year through this past Sunday because they were catching a lot of nice brown shrimp, white shrimp and pink shrimp up until about last week. So we were able to extend that and let those guys work a couple more weeks.

This chart shows our historic opening dates, going back the last forty years. As you know, we open on count size, legal requirement, of sixty-eight per pound. That date varies annually. We have opened as early as May the 25th in 2011, and as late as June the 25th in 2009. Last year, if you remember, we opened on June the 3rd, and our average day, over the past forty years, is June the 10th, and that is this blue line right here.

On opening day, we go out and do an aeriall vessel count. We also go out on the water in our research vessels and count boats, as well.

This day is typically the most effort that the Sound will see in any one given day during the season, so it's a pretty good gauge of effort. Prior to Katrina, once again, the trend is the same. We saw a lot of boats, up to a thousand. Since Katrina, the most we have counted on opening day was three hundred and sixty-eight. That was in 2014, and the second most was last year. We had three hundred and ten (indicating chart).

Just to give you a brief summary of how we sample to open the shrimp season, we start in February doing a post-larval sampling, using a beam plankton trawl with the help of the Gulf Coast Research Lab. Post larval is obviously the stage in the shrimps' life cycle, after the larval stage. They are very small, around twenty-five millimeters, less than one inch. We start sampling those in February and it usually goes through April, and we can look at the numbers that they are catching and kind of predict when we need to start sampling, and that is usually in mid April.

We will do our standardized trawl sampling using a sixteen foot trawl coast wide at historical stations, and we will start catching shrimp. From day one, we start

charting their growth. Once we get enough samples, we are able to project when those brown shrimp will be at sixty-eight count which is the State Statute requirement, and that is about a hundred millimeter, or a little bit smaller than a four-inch shrimp.

Here is some of the data from our post-larval counts. We started sampling in February, and, then, we didn't see any until about the second week of March. We had a big spike of three hundred and fifty on the 11th, Another big spike of just under three hundred on the 18th, and, then, real big spike of five hundred and fifty on the 23rd (indicating chart).

If you will notice, all of these are in a pretty tight group, about a two-week group which is good. It should yield a lot of shrimp about the same size, once we start catching them, and I will show you that in just a minute. Then, we had a couple more smaller peaks later on, but they have pretty much played out, since then (indicating chart).

Our cumulative numbers, the red line is 2016, and to date we have caught close to two thousand post-larvae shrimp. If you will notice, the abundance is much higher than previous years. This is not the best indication of the season, but it is encouraging because, now, all these post-larvae shrimp are out there, they are

actually juveniles and adults now, and they are growing (indicating chart).

For them to grow at their optimum rate which is about one millimeter a day, they need optimum conditions, and we have discussed this in the past. They like temperatures above sixty-eight degrees and salinities above ten parts per thousand.

Salinity is directly correlated to rainfall. We will talk about that first. As you all are aware, we have had a really wet spring. We had a lot of rain in March. In April, we were doing pretty good, until I think it was the 28th, when we had about ten inches of rain dumped on us in one day. That's why that shot up right there (indicating chart).

So far, this is prior to today, we are sitting under two inches, but I think it is supposed to rain the rest of the week. Hopefully, that won't affect it too much (indicating chart).

As I mentioned, ten parts per thousand is the magic number salinity-wise that we want to be above. We haven't been there. Since February, we have had a lot of rain.

This is Biloxi Bay. We like to chart Biloxi Bay because we get localized rainfall and not all the other watersheds across the state like the Pascagoula River and

the Pearl River. This is right at the mouth of Biloxi Bay. It is much higher out in the Sound. You will see that in just a second, the results of that, but we have had a lot of rain, so it is a little bit of pressure out there (indicating chart).

The good news is that the water temperature has been up. We had a real mild winter and a warm spring. We are at that sixty-eight degrees, and we have been there for a while. That is good news (indicating chart).

Our shrimp are out there growing. We have been charting them since April. They are not growing to their optimum length per day, but they are growing and they are growing steady. That is good news, and I will show you some pictures of our recent samples.

This is from Friday, May the 13th. The guys are out today sampling. This is our most recent sample. This is station three over here at the mouth of Biloxi Bay. As I said, a legal shrimp is about ten millimeters which is right here. These guys are just a little bit smaller than that, but, since we are at the mouth of Biloxi Bay, we have a lot of small ones mixed in (indicating photograph).

This over here is the west side of Deer Island. You can see kind of the same thing. There is lot of pressure around this, and there is a lot less shrimp (indicating photograph).

When you move out to Gulfport Ship Channel over here, station seven, we've got a lot of shrimp and they are all uniform which is good news. All of these shrimp are about the same size. These are about a hundred count shrimp, and you've got a few small ones mixed in (indicating photograph).

Over here at station six which is north of Ship Island, you are seeing about the same thing (indicating photograph).

We still have a lot of sampling to do, but they are growing at a pretty good rate.

What we would like to do is request authorization be given to the Executive Director to open the 2016 shrimp season, when sampling shows that the brown shrimp have reached the average of sixty-eight count per pound. That's the State Statute requirement found in 49-15-64.1.

As usual, that would take a motion to proceed.

COMMISSIONER ZIMMERMAN: I would like to make a motion to accept that.

COMMISSIONER DRUMMOND: We have a motion to accept the Executive Director opening shrimp season, when shrimp are sixty-eight count per pound.

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

COMMISSIONER DRUMMOND: Are there any discussions on the motion?

COMMISSIONER BOSARGE: The extending of the extension of the closure, in other words, by leaving it open, looked like that worked pretty good.

Have you talked to a lot of fishermen?

RICK BURRIS: Yes. About the first week and a half, they caught a lot of nice shrimp, sixteen/twenty, twenty-one/twenty-five, brown shrimp, white shrimp and pink shrimp, and they were real happy. Pretty good numbers up to five hundred pounds a night. Of course, that played out, but, yes, we had some really good response to that.

COMMISSIONER BOSARGE: That's good. I hope we can look forward to maybe doing it again in the next season, if the conditions dictate.

RICK BURRIS: Yes, sir.

COMMISSIONER BOSARGE: And the rainfall, how bad do you think that may have hurt us, or not hurt us?

RICK BURRIS: The rainfall that we had didn't seem to have hurt us. We are still on track, and that one big washout we had, that ten inches on the 28th, that one big flush didn't seem to affect us as bad as several medium, or small, flushes.

Right now, it is looking good, but we still have

this week to move towards.

COMMISSIONER BOSARGE: Thank you.

RICK BURRIS: Yes, sir.

COMMISSIONER DRUMMOND: Any other comments, or discussion?

(No response.)

COMMISSIONER DRUMMOND: We have a second to the motion.

I would like to call for a vote, right now.

All those in favor of this motion say aye.

(All in favor.)

COMMISSIONER DRUMMOND: All opposed say aye.

(None opposed.)

COMMISSIONER DRUMMOND: The motion carries.

RICK BURRIS: Thank you.

JOE JEWELL: Thank you, Mr. Burris.

Next up for the Commission's consideration is Title 22 Part 9. We are requesting updated language for the TailsnScales Program.

Before I get into the actual regulatory language, I want to do a little introduction of why we are requesting this.

As the Commission may remember, back on May 9th, 2014, our agency conducted a Red Snapper Summit. Part of the preconditions for that request was we were really

looking for the fishing community -- the recreational fishermen and the charter boat fishermen were looking for better ways to capture the actual data that was out there. There was a lack of really good data, and our Part 19 really did not provide for staff, or this agency, to collect data from that segment.

The Commission in 2014, early that year, directed us to capture red snapper data on a voluntary basis. We had not modified the part, at that time, to give us the ability to do that, and the actual language in the part did not specifically allow us to conduct the program as it is now.

Later that year, in September, at the Commission's request, once we had conducted several outreach programs, including the Red Snapper Summit, we came forward, at the Commission's request, with modifications to Title 22 Part 9.

The language in white, that was the modified language that we came before the Commission and requested to make changes to, and that language was very vague, very general, and what it did was set up the ability for us to establish a program that became later mandatory, in December of 2014.

At that time, we did not know specifically that we would set up an app, that we would set up a

TailsnScales Program, and we had no idea what the very specific nature and requirements of the program would be.

As you know, we developed the TailsnScales app and certain reporting requirements, and it had some very specific information that we request of the fishermen.

Why we are coming before you today is not to change what came before you in 2014 which is the language that is in the white because we still want the ability to address that generalized language should we want to develop future programs.

We are coming before you to ask that the regulatory language be placed in Title 22 Part 9 is the specific elements of the TailsnScales Program that addresses red snapper and potentially other fish, or species, as the Commission may ask.

With that being said, I will read the specific regulatory language that we are asking the Commission to consider today.

We are asking to strike out, "The owner, or captain, of any vessel recreationally harvesting red snapper is hereby required to complete a harvest report by the MDMR."

The reason why we are asking that to be struck out is because now that we have developed the red snapper app, what the actual application for the TailsnScales

Program requires is that any one person aboard the vessel now can complete that. It's not necessarily the owner, or the captain. Any person aboard the vessel can now complete that program, as we have now developed it.

One hundred is the recreational fishermen and one zero one is the charter boat, or head boat, and we want to add two sentences and they are very similar in structure. The very first sentence says:

"One person per vessel recreationally harvesting Red Snapper is hereby required to complete a vessel harvest report through the TailsnScales reporting system."

We will be very specific about the program we have developed. We are not eliminating the general language from before. We are addressing the very specific program we have now developed.

The second sentence addresses any future species that the Commission may direct us to address, and it reads:

"When requested by the MDMR, one person per vessel shall be required to complete a vessel harvest report for any additional species through the TailsnScales system."

That is all we are asking.

COMMISSIONER BOSARGE: I see where you are coming from. It does seem a little confusing to me

because, if you read the first sentence -- in other words, if you read the first sentence, it is almost like you don't have to fill out a report, unless you are requested to.

JOE JEWELL: Well, it says, "Is hereby required to complete a vessel harvest report through the TailsnScales reporting system."

COMMISSIONER BOSARGE: "Persons engaged in recreational fishing in waters under the jurisdiction of the MDMR, or landing fish in Mississippi, shall be required to furnished information, including harvest report, pertaining to such fishing, when requested by an information confidentiality officer."

In other words, it's almost like you don't have to, unless you are requested to.

Am I reading something wrong here?

In other words, I know where you are coming from, but I think myself and everybody else here wants to be sure that our TailsnScales Program is a mandatory reporting program, but, in my opinion, it is almost like that first sentence is an out where you don't have to report it.

Explain it to me.

JOE JEWELL: I can see that.

Let's let counselor Chestnut weigh in on that.

We can simply strike that language out. That was clearly an option, from the very beginning. We just left it in there for convenience, should we develop other programs in addition to TailsnScales. I clearly can see where that would be a consideration, but it's not a barrier, or a blockage, to us proceeding with the TailsnScales Program, and one option would be to eliminate that language.

SANDY CHESTNUT: Commissioner, do you think it would be clear, if we took that first sentence out?

COMMISSIONER BOSARGE: I'm sorry, Sandy. I didn't quite hear you.

SANDY CHESTNUT: Do you think it would be clear, if we struck the first sentence on one hundred?

Would that clear up any conflict in your mind?

COMMISSIONER BOSARGE: I think so.

SANDY CHESTNUT: Okay. That is not going to change anything that we do here today. We can go ahead and strike that.

JOE JEWELL: Mr. Hill pointed out that part of the reason we left it in there is it addresses the MRIP programs and some of our data collection. If we left it in there, we would have to specifically write in there and modify it further to address the MRIP program.

COMMISSIONER BOSARGE: What if we just struck out, "When requested by an information confidentiality

officer"?

In other words, would that still work?

JOE JEWELL: Delete the variability in it?

SANDY CHESTNUT: What if, after that first sentence, we put a bullet, and, then, specifically specify the reporting for Red Snapper, and, then, did a separate bullet reporting for other species?

Would that clear it up?

JOE JEWELL: I'm sorry. We are talking about the first sentence in white.

SANDY CHESTNUT: Keep the first sentence, and, then, after that, you can actually specify that that is for MRIP, if you need to, and, then, for the first sentence that is being added, put a bullet before it saying this is for Red Snapper reporting specifically, and, then, the second sentence, this is specifically for additional species reporting.

JOE JEWELL: Well, we say that when we say, "Recreationally harvesting Red Snapper".

SANDY CHESTNUT: I understand, but visually it would separate it out.

JOE JEWELL: We can do that.

The sentences in yellow?

SANDY CHESTNUT: Do we have the ability to do it, right now, to see what it would look like?

JOE JEWELL: Yes.

SANDY CHESTNUT: If you want to go on to the second one, while John is fixing that one?

JOE JEWELL: Now, go to "When requested by the MDMR" (indicating John Mitchell).

SANDY CHESTNUT: Commissioners, there is some language that can be added to that first sentence.

JOE JEWELL: Is that what you are looking for, to make it look like that (indicating screen)?

SANDY CHESTNUT: I would actually put a heading on it.

JOE JEWELL: 101.01, TailsnScales Program Requirements?

SANDY CHESTNUT: Okay.

JOE JEWELL: Go to one, hit enter, go up, put "101.01 TailsnScales Program Requirements for Recreationally Harvested Red Snapper" -- I'm sorry. It's 100, and do the same thing for the second sentence, except "Program Requirements for Charter Boat and Head Boat" -- no. No. Undue that. "Charter Boat and Head Boat Harvesting of Red Snapper" (indicating John Mitchell).

And, then, that last sentence again where it says, "Captains shall be required", let's bullet that, and, then, the 100 are not required to be bulleted. Let's leave it like that (indicating John Mitchell).

Sandy, did you suggest language for the general program requirements that are in white?

I think Commission Bosarge, the issue that is being discussed is there is some variability where it says, "when requested".

COMMISSIONER ZIMMERMAN: Another thing we think, Joe, is that it should go on the captain of the vessel. If we start opening it up where eight guys out on a snapper trip --

JOE JEWELL: (Interposing) It's one person that is requested. One person there has to have that code, when reporting into the system. Any one person on the boat has to call in to get that code. Any one person has to have it. When a Marine Patrol officer boards the vessel, or comes up on side the vessel, and they are red snapper fishing, they have red snapper on the vessel, they are going to ask, "Who has the code for this trip?"

One person is required legally to provide that code and, if no one has the code, they can be cited for a ticket for that. At that time, it's up to the officer at that point, and it's generally the captain of the vessel who is identified that is probably going to be issued a ticket, at this point.

We had those internal discussions, when we developed this section of the Code for the TailsnScales

Program.

COMMISSIONER ZIMMERMAN: Is there a problem? What is causing us to do this?

COMMISSIONER BOSARGE: From the captain to just any person on the boat.

JOE JEWELL: When we established the TailsnScales Program, part of the issue was that we wanted the flexibility for any person to be able to call in because I could borrow my brother's boat and go out, or any individual. There were a whole host of reasons why the actual owner of the boat, or the captain of the boat, may not be onboard the vessel at the time.

We wanted the flexibility for the program to be mandatory and take in a whole host of different circumstances that we weren't able to anticipate, but it was mandatory and required for them to call in to get that code.

COMMISSIONER BOSARGE: Yes, but, if Bill is the captain and Joe is on the boat with them and Joe didn't get the code, Bill is going to get the ticket.

In my mind, whoever is the designated caption, whether he is on it, or not, should be the person that has to have the code because he ultimately is the one that is going to be held liable and responsible. He is the captain.

COMMISSIONER ZIMMERMAN: Chief Davis, do you agree with that?

Do our guys, when they get on there -- I know I have been asked that, "Who is the captain of the vessel".

KEITH DAVIS: To answer your question, yes, but I think Mr. Jewell is saying pretty much the same thing. We are going to give the captain of the boat, at the time of the stop, the ticket.

COMMISSIONER ZIMMERMAN: Okay.

JOE JEWELL: And he would get it anyway, regardless of any other issue of the stop.

You have had issues, when they have come before the Commission, where the Commissioners had to debate that very issue for federally landed species where the owner versus his crew, or passengers that have been on the vessel, where the passenger has been cited and "I was just with the captain. I didn't now what was going on. I didn't know what the rules are", and, then, the captain was cited, and the Commission has had to sort those very circumstances out.

Fortunately we have not had that issue come before us because, as Commission Bosarge has pointed out, very early in 2014, we have a community that they have come forward and wanted this to happen. They want this to be data driven, and we haven't really had that issue

because it has been community driven. It's been the recreational, the for hire, the charter boat. They want this to happen so that we have better data and more data. We really haven't had that issue come before us yet because it is sort of community driven right now. We hope it doesn't come before us.

COMMISSIONER HARMON: Joe, I'm going to have to agree with Commissioner Zimmerman. I think you are creating a muddy situation for these reporting purposes.

If you want to label it as the operator of the vessel, regardless of whether it's the captain, or the owner, but, for reporting purposes, it needs to be delegated who is going to be responsible for it.

Any one person, I can think that you've got it and Richard you can think that I've got it. We need to make one person responsible for that.

JOE JEWELL: That person that calls in for the code is the person that is ultimately responsible for it.

COMMISSIONER HARMON: I realize that.

JOE JEWELL: Generally, it is the captain that does that.

COMMISSIONER HARMON: The way that is written right there, that is going to be very confusing.

SANDY CHESTNUT: I guess the question is -- and I missed some of the discussion. This may have already

been asked -- if enforcement comes up on a boat and says, "whose got the reporting code?", and they all say, "Nobody got it. I thought Joe got it. I thought Sandy got it", who is going to get the ticket?

JOE JEWELL: Like I said, at that point, it's up to the officer who is onboard to make that determination, and generally it's the captain of the boat.

SANDY CHESTNUT: So the captain is ultimately responsible, in most cases?

JOE JEWELL: In most cases, yes.

SANDY CHESTNUT: Would there ever be a case where he wouldn't be?

If you've got four people on the boat and nobody has the code, it is always going to fall back to the captain.

JOE JEWELL: Well, a lot of it is going to be determined on -- if you come up alongside the boat, you are going to have to determine does he have the code, or doesn't he have the code.

If he doesn't have the code, first, he is in violation of this section of Code.

If the officer determines there is a violation, I'm going to give a ticket, and no one on board has that code, then, he is going to have to determine who I'm giving the ticket to because that's one violation, and

usually it is the boat captain.

COMMISSIONER ZIMMERMAN: This is just the notice of intent is what we're talking about. I think we're getting to where we are beating a dead horse.

JOE JEWELL: We have discussed this before, when we established the actual TailsnScales Program back in 2014, in September.

COMMISSIONER ZIMMERMAN: I understand that. We have another month. We can look at this and come up with better wording for it. Let's take that opportunity. That's my recommendation.

SANDY CHESTNUT: I did add another sentence, after the first sentence. After speaking with Matt, he advised that they need some flexibility in that first sentence because it is for other things other than MRIP and they may do pilot programs like they did with the TailsnScales Program.

I thought maybe if we added the other sentence, "In addition to the above-referenced reporting, the following TailsnScales reporting is required", and that would still give them the flexibility they need to do pilot programs and other programs that they want, as requested by the information confidentiality officer, but make it clear that the following requirements are specifically in reference to the TailsnScales Program.

JOE JEWELL: Before we do this, do I hear the Commission -- is it the will of the Commission not to move forward, to table this and come back next Commission meeting?

If that is so, then, we will just develop some other language that addresses both specifically that and that sort of vague sentence that talks about when requested. We can change that, also, if the will of the Commission is to come back next Commission meeting.

COMMISSIONER ZIMMERMAN: What I would like to do, if I could, I would like to accept the Notice of Intent so that we can move forward, and, then, reword it, or let's look at it next month amongst the Commission and y'all, and let's see what we can do with the wording.

COMMISSIONER GOLLOTT: Commissioner, I don't think we can do that. You can't move forward with the intent unless you have the right wording. Let me make a motion.

Let's make a motion that we table this until next month.

JOE JEWELL: We will be okay with that.

COMMISSIONER GOLLOTT: Joe, get better language and come back to the Commission with it.

JOE JEWELL: I think we would feel more comfortable with that.

COMMISSIONER ZIMMERMAN: I'll second that.

JOE JEWELL: That will give the Commission time to work with the staff to develop that and address those specific issues that y'all have and we can work with Marine Patrol.

COMMISSIONER BOSARGE: Send it to us and let us take a look at it.

JOE JEWELL: Absolutely.

COMMISSIONER BOSARGE: Thank you.

JOE JEWELL: Sure.

COMMISSIONER DRUMMOND: Do we put that in the form of a motion?

SANDY CHESTNUT: Gollott made the motion and Zimmerman seconded it. It's ready for a vote.

COMMISSIONER DRUMMOND: All those in favor say aye.

(All in favor.)

COMMISSIONER DRUMMOND: Anybody opposed?

(None opposed.)

COMMISSIONER DRUMMOND: Motion carries.

JAMIE MILLER: Chairman Drummond, I need to make a quick interruption. We had a few public comment forms that were submitted after we started the Fisheries report.

One of the items that a gentlemen requested to speak on was Item F1.

Is Mark still here?

I can't pronounce your last name, Mark.

MARK KOPSZYWA: Everybody knows me.

JAMIE MILLER: I didn't want to attempt the last name and mess it up.

MARK KOPSZYWA: I'm a commercial shrimper, and I just wanted to thank the Commission and the Shrimp and Crab Bureau for extending the shrimp season for the extra two weeks.

COMMISSIONER DRUMMOND: Give your name, Mark.

MARK KOPSZYWA: Mark Kopszywa. That's all. I wanted to thank you.

JAMIE MILLER: Thank you very much for your comments.

JOE JEWELL: Next up for the Commission's consideration is Title 22 Part 1.

Before we get started, I want to advise the Commission this one is a little time sensitive. There are a couple of items in there that we really have to consider for this Commission meeting for these actions to take place.

This is sort of the reason why we are not attempting to do some of the regulatory issues that Commissioner Gollott brought up, and we are focusing our attention on certain selected areas in Biloxi Bay and in

Pass Christian and other activities for your consideration.

Title 22 Part 1, before I get started on that, I want to make a couple of preamble statements. I'm going to try and keep this as simple as possible because some of the requests here are very technical.

What I'm going to do is I'm going to have a copy of Title 22 Part 1, and I've got it earmarked that has the actual document with me and, if the Commission has any questions, please interrupt me while I'm going through the actual things, and I will read out to you the language as it is in the document. I will be glad to do that.

I'm going to forego my regulatory stance that I usually do and read all of that into the minutes. I will try and be as general as possible, but, at its core, what I'm going to do this morning is make two regulatory changes to the document.

As you know, the Governor established the Oyster Council on Restoration and Resiliency, and that council met and formulated a plan to move forward to stabilize the oyster industry and the oyster program in Mississippi, and they made several substantive regulatory changes to essentially two of our rules, and that is Title 22 Part 1 and Title 22 Part 13.

The changes to Part 1 were relatively minor in

nature, except for one chapter. The bulk of the changes will occur in Title 22 Part 13 which deal with aquaculture, and most of the changes that will occur in the overall program envisioned for the future are going to be aquaculture in nature whether they be off bottom, or on bottom.

Because those are quite extensive and expansive, we are going to bring before you next Commission meeting Title 22 Part 13.

In saying that, I'm going to move forward, and, like I said, if y'all have any questions, please stop me, and I can stop and refer back to the original document as it is.

First up are modifications to Chapter 8 and it simply addresses those regulatory issues that deal with openings and closings.

As the Commission recalls, this is the first time we have opened the season that we have included the concept of quotas, and all we're asking here for this particular section that addresses sack limits is that we have the additional statement that includes the flexibility to add quotas.

In Chapter 11, that addresses closed areas for shell and cultch plants. If you look at the specific language, it addresses keeping certain areas closed for

portions of the time for net activity to keep those areas in reserve.

It specifically says "public reef". We are asking to strike out "public" so that even private lease, private areas, or special test areas, are reserved for that privilege, also.

In Chapter 14, the language, this is actually almost a couple of paragraphs long. We put this specific section in 100:

"Except as otherwise provided for leased bottoms, all waters north of a line herein described shall be defined as tonging reefs in accordance with Mississippi Code Annotated 4915-3(j), as amended."

We are putting that provision in there at the recommendation of the Governor's Oyster Council to include, should we make the decision to provide leased areas within the tonging line.

Again, in Chapter 14 Section 101, we are adding the language, "for a special management season". Again, that's at the Governor's request, and it somewhat complies with the language in State Statue 49-15-39 Section 2, and, then, we are adding the sentence, "or allowed for a lease holder harvesting oysters from their lease area by a valid lease harvest permit". Again, that is language that was recommended by the Governor's Oyster Council.

In Chapter 17, Management Plan for Shellfish Growing Waters, again, in my opening comments, I said there are really two things that are going on here. We are having these regulatory changes that were recommended by the Governor's Oyster Council, but the staff, at the recommendation of the Marine Commission, has done a lot of work in the Biloxi Bay area to try and reestablish that as a viable area to open for harvest, and that is part of the changes here.

It is really good news for the fishermen, it good news for the Commission, and it's good news for the oyster community and the Gulf Coast as a whole.

These are some of the recommended changes. Some of these are going to be quite technical, and I'm going to try and address those as simply as I can.

In Chapter 17, Management Plan for Shellfish Growing Waters, to comply with the NSSP, the model ordinance requirements, we are asking to add the Section 103.01.05.04 for conditionally approved areas.

We have to add the management criteria that will simply manage the Biloxi Bay area which is in Area Five, and that is going to be, "When one, or more, inches of rainfall occurs in any twenty-four consecutive hours as measured at the Keesler Air Force Base gauge".

Then, again, in Chapter 18, Classification and

Description of Shellfish Growing Areas Waters, these simply are changes to the buffer area around a couple of the channels that are in Area Five.

I'm going to make this a lot easier. I have a map, so I'm going over these very generally. I have a map and a couple of slides I will show y'all. It's a lot easier to visually look at it, so I included a map.

What we are doing, essentially, here is, in these two areas, we are reducing a quarter of a mile buffer area around these to two hundred and fifty feet, and we've gotten concurrence from our Federal partners and our state partners to reduce this.

Then, in Chapter 18, the general chapter is Classification and Description of Shellfish Growing Areas. This is where all the areas are described as prohibited, approved, or restricted.

In 102.03, "The following waters of Area Five are restricted:"

And, then, it goes into 102.03.01, "All waters of Biloxi Bay and Davis Bayou and its tributaries south and east of the U.S. Highway 90 Biloxi Bay Bridge enclosed by the following described line; except for those waters classified as prohibited."

We want to strike out that particular language, and, then, add "conditionally approved" because we want

the waters in Biloxi Bay to be upward classified as conditionally approved. We want to strike out that language that gives the area boundary, and, then, in Chapter 18, we want to add this area boundary, and it is going to be lot clearer on the next slide.

This is the map of that area that I'm trying to describe and those channels. If you see these narrow red bands that go here that cut through the channel areas that we describe, then, you see these really light green areas, these light green areas were the quarter of a mile, and we want to reduce those to two hundred and fifty feet (indicating map).

And, then, that boundary area that we struck out was the general area that we want to make it this light green area. That's what we are adding is the whole area within that mark. We want to include that as the conditionally approved area, and we added that language for one inch of rainfall in the Keesler gauge as the management criteria for that area (indicating map).

It is really a good thing that we are doing, and it is sort of time sensitive that we have to move forward with this so that we can have this upwardly classified with the management criteria so, hopefully in the fall, we can open this area for oyster harvest.

It's a good thing we are doing for the

community. On behalf of the Commission, the DMR and the oyster industry, we are moving forward finally.

Then, the last regulatory thing that we are going to ask for approval to move forward on fits hand-in-hand with the overall picture that the Governor's Oyster Council requested for the regulatory changes for on-bottom and off-bottom leasing.

Inside of Title 22 Part 1, we are requesting that we remove Chapter 19 and move it to Title 22 Part 13 simply because of a better fit.

Title 22 Part 13 is the aquaculture regulation, and it deals with a lot of these subjects as addressed in Chapter 19 that are not really addressed in Part 1.

I'm going to read to you some of the chapters, the main chapters in Part 1. Chapter 6, Shellfish Harvesting Requirements and Specifications. Chapter 7, Dredge Specifications. Chapter 9, Harvester License and Check Stations. Chapter 13, Transportation of Shellstock by vessels. Chapter 15, Marine Sanitation Devices.

If you look at Chapter 19, On-Bottom Shellfish Leasing Regulations, it doesn't really pertain, or relate, to oyster harvesting which is what Chapter 1 is about. We are requesting simply to strike it completely from Title 22 Part 1, and, then, next month we are going to come forward with modifications and changes to Title 22 Part

13, and we are going to add Chapter 19 in a sequential number to Chapter 13 with, again, changes done to it because it more appropriately relates to the activities that are being done in the aquaculture regulations.

With all that being said, if there are no questions -- and I'm sure you are going to have some questions -- we need a motion to proceed with a Notice of Intent to Title 22 Part 1, Updated Regulatory Language for Shellfish Program.

COMMISSIONER GOLLOTT: Mr. Chairman, I would like to make a motion to proceed with Notice of Intent for Title 22 Part 1, updating regulations.

Joe, I would like to thank the staff for their hard work. We have been waiting for this a long time, trying to get that Bay opened up to where we can harvest some oysters on this end of the State.

JOE JEWELL: I appreciate that. I know you particularly and Commissioner Bosarge, y'all have led the charge on this and directed the staff to take this up, and we have taken that charge quite seriously. This is really a positive thing for the Commission and the DMR, and we look forward to going forward with this.

JAMIE MILLER: Before there is a final motion, we did have two public comments, or two people that wanted to make public comment.

Do we need to take those comments, before the Commission takes final action?

SANDY CHESTNUT: Yes, go ahead and take the comments.

COMMISSIONER DRUMMOND: We have a couple of people that want to address the Commission.

Melonie Johnson, would you come forward, please?

MELONIE JOHNSON: My name is Melonie Johnson, and I would like for Thao to speak for me.

THAO VU: Good morning Commissioners and Director Miller.

First of all, I would like to request at least five minutes, or six minutes, if Ms. Johnson is giving her three minutes to myself, and, actually, there is someone else who is here with the Vietnamese-American Fisher Folks. She is sitting in the back. She would like to also stand up, if that's all right, if we have permission right now.

COMMISSIONER DRUMMOND: Is she going to speak?

THAO VU: Yes, she will speak. She is speaking in Vietnamese and I'm going to interpret in English, but it will be very brief.

COMMISSIONER DRUMMOND: We don't have a form on her, do we?

JAMIE MILLER: Ask her to fill one out for us,

please.

THAO VU: Okay. I will fill it out. Thank you, Director Miller.

First of all, earlier Mr. Jewel was saying that this past oyster season was very tumultuous, and we are here to speak about the oyster seasons, or really the lack of ability for the fishermen to work the past six years.

This past season, I think no one worked more than thirty-two days. I think it was Commissioner Bosarge who asked how many working days. I have been keeping track. I think it has been no more than thirty-two days total, including those three days of emergency relay in Bayou Caddy. I may be off by one, or two, days, and that is less than last year.

We are very, very concerned here. We are very, very concerned about sustainable livelihood, and I have brought this up. They just want to work. They are not asking for a handout. They want to be able to work with the agency and just give them some opportunities to work, and more than a month. More than thirty, or thirty-two days. They are not asking for much. They just want to work. That's all. That's one of our primary concerns.

The other concern we have -- and, at the March Commissioners meeting, our commercial fishermen, we brought it up, and I have a copy of the law, and this law

has been in existence in the books for a long time that oyster shells belong to the State of Mississippi and must return to these reefs, must return to the public reefs (indicating document).

We need enforcement on that. We are asking for the Commissioners and this agency to enforce that. That is one of the key reasons why these reefs are in such a terrible shape and the seasons are tumultuous for the past several years.

After BP, after the Bonnet Carre Spillway, after the harmful algal bloom, the high river stages, and every other environmental problem we are having, we need this to be enforced. That is why I'm bringing this up again.

Another thing is going back to the quotas. Last year, if I remember correctly, the quota was set at around thirty, or thirty-five, thousand. That quota is very, very low and it's not sustainable.

Basically, the quota allows for fishermen to work no more than the thirty, or thirty-two, days that I mentioned earlier. The quota has to at least be considered to be higher to give them at least three months of work. They just want to work. Give them three months of work.

The quotas can't be set that low. If they are set at thirty, or thirty-five, thousand, we already know

they are not going to work long for the whole season. It will be only thirty, or thirty-two, days which it became a reality this past season.

We know -- in 2009, I think there were around two hundred and twenty thousand sacks harvested.

Then, in 2010, because of the BP disaster, it was down to zero.

The following year -- and these are the figures I'm getting from the report that DMR staff reports to the Mississippi legislative body -- it was sixty-five sacks, tonging sacks, and, after that, it went up to around fifty-two, or fifty-three, thousand sacks.

Then, the following year, it went up to around seventy-two, or seventy, thousand sacks.

We are concerned that if it was going up from fifty-two, or fifty-three, thousand all the way up to seventy-two, or seventy-three, thousand, why was it set down to around thirty, or thirty-five, thousand last year.

We are very, very concerned about the quotas and the very low number set for the quotas.

We can reiterate, or emphasize. They just want to work. That's all they want to do, have the ability to work and provide support to their families.

She doesn't even have money to pay for her utilities some months. It is disconnected.

A boat should be working, not down most of the year. If they are only working one month a year, most of the time it's docked, and you have to wait for shrimping season, if it's a viable shrimping season.

What else can you do?

That's not right. The boats should be working, not docked. That is terrible for the past six years.

The other thing we are very concerned about is that we were informed that the Mississippi Department of Environmental Quality, as I speak, they have a bid now to look for a contractor to bid on using sonar technology to map oyster reefs.

This agency has in-house expertise. You have an Oyster Bureau. You have staff. You have universities and scientists you work with, specifically USM Gulf Coast Research Laboratory, that should know where all these reefs are located, should know the condition of these reefs.

Why would a key agency in charge of restoration, MDEQ, need to bid that out?

That doesn't sound right to us. You have in-house capacity and expertise, or allow the fishermen to do some of the mapping. Give the fishermen some opportunity to do these mappings, like, mapping the Jackson County reefs that haven't been cultivated for a few decades, now.

Those are our comments, and thank you.

THAT NGUYEN: My name is That Nguyen.

THAO VU: Her name is That Nguyen.

If the Commissioners and the DMR staff, right now, are planning to open any of the oyster reefs this fall and winter, please not only allow tonging, but dredging as well because the Vietnamese-American Fisher Folks need to dredge oysters and it is only fair.

Right now, you are in the planning stages. Before you make any final decisions, you must include opportunities for dredging as well as tonging.

Thank you for your consideration.

COMMISSIONER DRUMMOND: Thank you.

COMMISSIONER BOSARGE: If we could have Joe address some of her concerns, especially the State Statute.

JOE JEWELL: You have heard me talk passionately about the fishermen. As many of you know, I come from a fishing family and from a fishing community.

There are few people on the staff that would disagree in saying that what we do here and what the Commission does here is on behalf of the fishermen. That's part of the main reason why we are here is on behalf of the fishermen.

Certainly, one of our primary objectives, in all

the decisions that we make, is public safety and public health. We have to provide a safe product to the fishermen.

No matter what decision you make -- and the Commission has taken into consideration the scientific data that we have provided and the Commission has made decisions that have benefitted the fishermen, in spite of that scientific data.

You can make whatever management decision you want for the season and you have done that over the past couple of years, but you can't overcome mother nature. You can open that season for as long as you want. You can establish a quota on the upper end, as much as you would like, but, when it rains, it is going to rain, and, when that river stage comes up, it is going to come up.

What you do as a Commission and what this agency does as a State agency is we must provide the safest product under the safest conditions we can, and none of us can overcome mother nature.

When we open that season, it is with the reluctance that mother nature is going to be kind to us and kind to our fishermen.

When that happens, we have to take the side of caution, as required with our Federal partners, the FDA, with our agreements with ISSC and the agreements with the

National Shellfish Program to provide a safe product to the consumer.

All of us know that when we have the opportunity to open that season and make it a workable season for the fishermen, we do it.

This year alone, as you recall my earlier comments, we opened it for one day. We opened it again for two days. Every opportunity that the Commission has had to open this season, Director Miller has had the opportunity, all of us had the opportunity to open that season for the commercial fishermen, we have done it, but we can't fight mother nature.

Now, as to that statute that she is quoting, I challenge counselor Chestnut. I don't believe that is the most current statute that she is quoting because my understanding is that there have been provisions that have allowed for this agency to establish a trip ticket program and charge, in lieu of collection of shell, the tag fee.

I think what is being quoted is either an antiquated, or an outdated, statute because we now have the legal authority to charge a trip ticket and the trip ticket fee, fifty percent to the harvester and fifty percent to the processor, and not collect the actual shell.

Although that shell is property of the State of

Mississippi, rather than collect the shell, we now collect a fee that has been given to us by a statutory change that gives us the authority, now.

Is that not correct?

SANDY CHESTNUT: I will have to look that up, Joe.

JOE JEWELL: I think it is.

SANDY CHESTNUT: I think you are right, but I will look that up and put that in the record.

JOE JEWELL: As far as the days, I said in my earlier comments I believe Ms. Vu is correct, and I will provide that. We have done an analysis of that internally. I apologize. I don't have that with me today. As you know, this is a quite lengthy Commission meeting. I have a quite lengthy agenda. I will send that to the Commissioners. I have that already. It is available. I will send that to you this afternoon for your consideration.

Like I said, I think Ms. Vu is correct on that, as I recall. As I said in my opening comments, this has been a challenging oyster season for all of us, for the Commission, for the staff of the DMR, but it has not impacted anybody as hard as it has the fishermen, but we don't have the ability to overcome mother nature.

COMMISSIONER BOSARGE: But, also, Joe, what we

have going on further to the east in Biloxi should help.

JOE JEWELL: Are positive things, absolutely.

COMMISSIONER BOSARGE: And, then, hopefully, which I know we are, we are working on towards the east even further, maybe off of Jackson County to try to see if we can't come up with a management plan to open some of that area.

Hopefully, as these things evolve, it will make it to where there won't be any more thirty day seasons. We can move our effort around a little bit and keep everybody working.

JOE JEWELL: The Commission has challenged us to seek out and find other areas that are able to be open for harvest, and the staff has taken that challenge quite seriously and we are moving forward with other areas that we can upwardly classify, similar to what we are doing in Biloxi Bay.

COMMISSIONER BOSARGE: Great.

JOE JEWELL: If there are not any other questions, I will move forward with our final agenda item.

COMMISSIONER DRUMMOND: Thank you, Joe.

JOE JEWELL: The Commission has asked and added to the Commission agenda an update on the 2016 Red Snapper state season.

JAMIE MILLER: Commissioner Gollott had made a

motion, and, then, we went into public comment.

JOE JEWELL: I'm sorry.

JAMIE MILLER: Commissioner Gollott made a motion to accept the Notice of Intent. I think we need to do that.

COMMISSIONER DRUMMOND: Did we have a second?

JOE JEWELL: We did.

COMMISSIONER ZIMMERMAN: I seconded it.

JOE JEWELL: We need a vote.

COMMISSIONER DRUMMOND: We have a motion and a second.

I will call for a vote. All those in favor say aye.

(All in favor.)

COMMISSIONER DRUMMOND: All opposed say no.

(None opposed.)

COMMISSIONER DRUMMOND: Motion carries.

Joe, are you finished?

JOE JEWELL: I'm sorry, Commissioner Drummond. I have one more presentation. I will try and be brief.

COMMISSIONER DRUMMOND: I would like to take a break, if we could.

JOE JEWELL: We can, if you would like to.

COMMISSIONER DRUMMOND: Let's take a fifteen-minute break.

JOE JEWELL: Sure.

(Whereupon, a short recess was taken.)

COMMISSIONER DRUMMOND: We are back on the record.

JOE JEWELL: The Red Snapper update. The gulf-wide allowable catch limit, the total is thirteen point nine million pounds of whole weight. The Federal commercial-recreational split is forty-eight point five percent commercial and fifty-one point five percent recreational.

The commercial annual catch limit is about six point seven million pounds, the recreational annual catch limit is about seven point one million pounds, with a twenty percent buffer, and that leaves it at about five point seven million pounds.

I was just mentioning the Gulf Council's passage and approval of Amendment 40 which is sector separation that further divides the private recreational sector and the for-hire sector, and that leaves the private sector at about four point one million pounds with a twenty percent buffer, so that further reduces it to about three point three million pounds.

The for-hire annual catch limit is established at about three million pounds, with a twenty percent buffer, or two point four million pounds.

I will just give you a brief summary of the 2015 and 2016 seasons.

COMMISSIONER BOSARGE: Can I ask you a question, Joe?

JOE JEWELL: Sure, Commissioner Bosarge.

COMMISSIONER BOSARGE: In the last few years -- even in my mind I can't keep track of it -- have we stayed within the quota?

JOE JEWELL: Commercial, you absolutely did because you notice there is no reserve, twenty percent, or so, because they have such tight control over harvesting and landing. Now, for commercial, absolutely, we have stayed within the target quota.

COMMISSIONER BOSARGE: On the recreational side, we are still within our twenty percent buffer?

JOE JEWELL: Yes. There have actually been amendments to try and capture some of that twenty percent that hasn't been captured.

For the 2015 season, the Federal recreation, as you may recall, was June 1st through the 10th. It was a total of about ten days.

The Federal permitted for hire was June 1st through July 15th. for a total of about forty-five days.

The State season that we sponsored was July the 16th through October the 31st. It was about a hundred and

eight days and, as you may recall, we presented before the Commission several presentations, and we harvested about fifty-nine thousand pounds for the State of Mississippi.

For this year, the Federal season has been established June the 1st through the 9th for the private recreational. It's a total of about nine days.

The Federal permitted for hire is June the 1st through July the 16th. It's a total of about forty-six days.

What we are proposing before you today is a State season of May 27th through September the 5th. It's about a hundred and two days. A couple of things here. It runs all the way through Labor Day.

I do want to mention that we had our State of the Coast meeting where we announced it. I do want to apologize. I take some blame in that. It wasn't trying to circumvent the authority of the Commission in any way. It's a forum that we have a lot of the Coast community there. We had a lot of both commercial and recreational fishermen there and some of the charter boat community was there, and it was an opportunity.

Dr. Paul Mickle gave a Red Snapper update of the overall program, the TailsnScales Program, and it was an opportunity -- we had such a large community there -- to give them the same figures that you are seeing here on

your presentation.

It wasn't a round to not give the Commission the input. I do have some responsibility in that, and I apologize for that.

COMMISSIONER BOSARGE: Opening it actually prior to the Federal season?

JOE JEWELL: We have done that for the past couple of years. As you recall, we did that in 2014. The Commission opened it during the month of July for weekends only. Last year we opened it. Again, we ran after the Federal season.

The only difference, Commissioner Bosarge -- and you pointed that out last year and you pointed it out this year. The only difference this year is that the Federal Government has expanded the State boundaries here in Mississippi to nine nautical miles, but there is that caveat. It is temporarily until September the 30th, unless the Federal Government takes further action, and it is only for reef fish.

COMMISSIONER BOSARGE: Correct.

JOE JEWELL: So there is that sort of condition on those two.

COMMISSIONER BOSARGE: Correct me if I'm wrong, but we have not opened the State season before the Federal season opened, to my knowledge.

JOE JEWELL: You would be correct. That's correct.

COMMISSIONER BOSARGE: My concern would be the temptation of getting outside of nine miles, prior to the Federal season opening. If I would have had my way, I think I would like to have seen it coincide with the opening of the Federal season.

JOE JEWELL: We are just trying to provide the convenience for our fishermen, with some of their input. It coincides with a major holiday and provides that service for them.

I can't speak for Marine Patrol. We haven't had that much of a law enforcement issue with them, but you are correct. This will be the first time that we have opened inside that Federal boundary for the season.

Dr. Lucas has pointed out Alabama has had a similar season with similar dates.

COMMISSIONER BOSARGE: Correct.

JOE JEWELL: And, then, we have had other states, like, Texas. They have year-round seasons. Louisiana has opened a season that is outside of the Federal season, but this will be the first time Mississippi has had a season that is outside of the Federal season.

COMMISSIONER BOSARGE: But this year is a little

different in that we have actually nine miles to regulate.

JOE JEWELL: Correct, and it does take in a few more of our fish havens. It allows them more opportunity that they haven't had in the past.

COMMISSIONER ZIMMERMAN: I would like to make a motion, Mr. Chairman.

COMMISSIONER DRUMMOND: Okay.

COMMISSIONER ZIMMERMAN: That we accept the State Red Snapper season from May 27th to September 5th, as has been set by MDMR.

COMMISSIONER DRUMMOND: We have a motion on the floor to accept the records as stated and the procedures as stated.

Do I hear a second?

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

COMMISSIONER DRUMMOND: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER DRUMMOND: All those opposed say aye.

(None opposed.)

COMMISSIONER DRUMMOND: Motion carries.

JOE JEWELL: Thank you, Commissioners.

Thank you, Commissioner Drummond for your patience.

COMMISSIONER DRUMMOND: Thank you, Joe.

Next on the agenda is the Office of Coastal Restoration and Resiliency, George Ramseur.

GEORGE RAMSEUR: Good morning Chairman Drummond, Commissioners, Director Miller and counselor Chestnut.

Real quick summary here on our State of the Coast. Second annual State of the Coast is in the books. It was a lot of work, but I think we had a lot of reward and a little bit of fun putting it on.

I want to thank everyone here at the agency that pushed to make this happen, particularly the office directors for letting some of their staff loose to help with this.

In particular, I want to thank my hardworking staff, Melissa Scallan's group and, most particularly, I want to thank IT and Brian Sherwood's group because they formatted the presentations through the whole day, gave us a very interesting animated flyover of restoration projects and I think really made the event special from a visual standpoint.

One thing we learned last year is we didn't get a survey out quickly, and we did do that this year.

Out of four hundred people registered, we had

about three hundred and fifty attend the conference. We had about a hundred and fifty at the reception that was held the night before.

Out of those registrants, we have had about fifty survey responses, and the initial results go something like this:

Eighty-four percent said the conference met, or exceeded, expectations.

Ninety-five percent said the conference met some, or all, objectives.

Seventy-two percent attended both morning and afternoon sessions.

Ninety-three percent were likely to definitely going to recommend the conference to colleagues.

Eighty-four percent of participants agreed that this conference should be on an annual basis.

We have gotten good media coverage on this, particularly related to the subjects of restoration and water quality.

What I've heard on the ground is the legislative panel and the Blue Economy sessions were particularly well received.

Melissa may have a little extra information about the media coverage and other public outreach aspects.

Director Miller, in his closing remarks, brought up the third annual. So I guess we are going to be setting tracks for that as soon as possible.

That's all I have.

COMMISSIONER DRUMMOND: Thank you, George.

GEORGE RAMSEUR: Thank y'all.

COMMISSIONER DRUMMOND: Sounds like it was a successful conference.

Next on the agenda is the Office of Finance and Administration, Kacey Williams, Chief of that office.

JAMIE MILLER: Chairman, Kacey Williams is out this morning, so I'm going to cover her report. It will be fairly short.

As of the end of April, State Revenues were at six point seven million dollars and overall Agency Revenue was a little above twenty-three million.

Closing April, getting close to the end of our fiscal year which ends in June, we had Operating Funds at roughly fifty-seven percent and Tidelands Trust Fund at about thirty-six percent remaining.

That's the report.

COMMISSIONER DRUMMOND: I thought the fiscal year ended in September.

JAMIE MILLER: That's Federal fiscal year. You are used to working with the Feds on that.

COMMISSIONER DRUMMOND: We appreciate you taking care of the money and spending it wisely. Thanks.

Next on the agenda is Public Affairs Director, Melissa Scallan.

How are you, Melissa?

MELISSA SCALLAN: I'm great, Mr. Drummond.

How are you?

COMMISSIONER DRUMMOND: I'm fine.

MELISSA SCALLAN: You are doing a great job today. Thank you.

Good morning, everybody, Director Miller, Ms. Chestnut, Commissioners.

Since the last Commission meeting, the agency was mentioned seventy-three times in local, state and national media.

That is a little bit different from the report that Crystal sent out to you because, over the weekend, we had a few more things, the State of our Coast and oyster season, Red Snapper season, and just this morning we had Daniel Boyer who was mentioned on TV and in the newspaper, and we are very proud of him for that honor.

Some of the other items that received media attention were the workshop we had here for ferry service to Deer Island. We had quite a bit of interest in that, as well as the State of our Coast Conference.

As George mentioned, we got some good media coverage on that. All of our local media outlets were there. It also was picked up throughout the State and some other states even in the northeast. It did get a good bit of attention. The Director was interviewed on public radio, as well as live on WLOX on their eleven o'clock show that day. George's group did a great job with that.

The Office of Marine Patrol held two boat and water safety classes in April and had a hundred and ninety-six students.

One of the reasons that there were so many students for two classes was they did one at a middle school. It was a lot of work, and Chief Davis and Patrick Levine did a great job with that. We know it is important to teach kids young the importance of boat and water safety. It was held during a whole week at the school. I think the kids got a lot out of it, and the school liked it, too.

Marine Patrol also participated in some community outreach events in April, fishing tournaments, Celebrate the Gulf, Reading on the River, two CCA kids fishing tournaments, the Deer Island cleanup, riverfront boat races, North Woolmarket career day, Biloxi Shuckers' Safety Day and Safety Day at Lizana Elementary.

Marine Patrol also took several training courses during April, including active shooting response and citizens' responsibility, sonar training, suicide calls, firearms and use of force, and NECL crimes in progress.

The Grand Bay NERR is hosting a nature photography class on Friday, from 3:00 to 8:00 p.m. If anybody is interested, they will tell you how to get those beautiful shots out at the NERR. It goes until 8:00 o'clock. It's at dusk. If you want to go out there and learn how to take some good nature photos, you can do that. You can call the NERR and reserve a spot for that.

The Mississippi Seafood Cookoff will be next week on Thursday, May 26th. It's at Café Climb in Gulfport. We have twelve chefs competing and five judges. They will be named the king, or queen, of Mississippi Seafood, and they will represent Mississippi in New Orleans in August at the Great American Seafood Cookoff.

Any questions?

COMMISSIONER DRUMMOND: Are we invited?

MELISSA SCALLAN: Absolutely.

COMMISSIONER DRUMMOND: Thank you, Melissa. Appreciate it.

MELISSA SCALLAN: Thank you.

COMMISSIONER DRUMMOND: Ladies and gentlemen, we have to go into executive session. It is something we

have to do, and I'm sure all of you realize that we do that occasionally. We don't want to stretch your patience. We will be back as soon as we can.

COMMISSIONER GOLLOTT: Mr. Chairman, I would like to make a motion that we go into closed session to determine the need to go into executive session and discuss pending litigation.

COMMISSIONER ZIMMERMAN: I second that motion.

COMMISSIONER DRUMMOND: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER DRUMMOND: All opposed?

(None opposed.)

COMMISSIONER DRUMMOND: Motion carries.

MEETING STANDS IN RECESS

COMMISSIONER DRUMMOND: Come back to order, please.

Sandy.

SANDY CHESTNUT: Yes, sir.

At 10:56, a motion was made by Commissioner Gollott to go into closed session to discuss the need for executive session to discuss pending litigation. That motion was seconded by Commissioner Zimmerman, and the motion passed unanimously.

The Commissioners present in the closed session were Richard Gollott, Shelby Drummond, Steve Bosarge, Ernie Zimmerman, Ron Harmon, legal counsel Sandy Chestnut and Sean Morrison, and Executive Director Jamie Miller.

At 11:01, a motion was made by Commissioner Bosarge to go into executive session to discuss pending litigation. That motion was seconded by Commissioner Gollott, and it passed unanimously.

There were no motions made, during executive session. It was basically an update on all the pending litigation that is going on through the department. There were no official actions taken by the Commission.

At 11:27, a motion was made by Commissioner Gollott to end the executive session and return to open session. The motion was seconded by Commissioner Bosarge, and that motion also passed unanimously.

COMMISSIONER DRUMMOND: Is that it, Sandy?

SANDY CHESTNUT: That's it.

COMMISSIONER DRUMMOND: Do I hear a motion to adjourn?

SANDY CHESTNUT: Do we have any public comments that we haven't taken?

COMMISSIONER DRUMMOND: No. We have taken care of all of them.

SANDY CHESTNUT: Okay.

COMMISSIONER GOLLOTT: Mr. Chairman, I make a motion we adjourn.

COMMISSIONER DRUMMOND: Do I hear a second to that?

COMMISSIONER ZIMMERMAN: Second.

COMMISSIONER DRUMMOND: All those in favor say aye.

(All in favor.)

COMMISSIONER DRUMMOND: Opposed?

(None opposed.)

COMMISSIONER DRUMMOND: Thank you very much.

(Whereupon, at 11:33 o'clock, a.m., the May 17, 2016, meeting of the Commission on Marine Resources was concluded.)

CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the May 17, 2016, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

_____

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