COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Wednesday, November 5, 2014
12:00 p.m.
Bolton State Building
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

Richard Gollott, Chairman

Shelby Drummond, Vice Chairman

Ernie Zimmerman

Also Present:

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

COMMISSIONER GOLLOTT: I call this meeting to order.

First on the agenda is considering opening a limited oyster dredging season for the Mississippi Sound, Pass Christian area.

Just to fill you in a little bit, we went out on a boat out of Bayou Caddy, looked at St. Joe, Telegraph and various reefs and, basically, the oysters are dying on Telegraph, even the small spat and everything was dying.

So it is my opinion that we should open it up and let the fishermen get what they can because they it is going to die off anyway.

St. Joe looked like it needed working real bad. It's real clustered and full of muscles, and I think working that with a dredge would help it out considerably.

With that, I will open it to the rest of the Commissioners. They can say what they want to.

JAMIE MILLER: Mr. Chairman, if I could provide some additional comments, before we lead into the discussion, just to give even more context about where we are with this season and where the agency has been in the past.

Since I've been Executive Director, we have faced a lot of challenges, but we are moving more into the normal traditional challenges of these kinds of big policy

decisions about resources, in this case oysters.

Let me just reaffirm that our staff's commitment to informing the Commission is very high and, at the base level, fundamentally, our staff is here to inform this Commission about the best science that we can take from samples and being on the water, but that's just one part of the information.

The other is direct interviews with the processors, with the fishermen, talking to the folks in the industry, and, then, constantly listening and being aware of information that will help inform y'all.

Just as background, in the early 2000's, Mississippi was harvesting on the scale of four hundred to five hundred sacks of oysters. Now, we've been hit with several natural disasters and manmade disasters. In recent history, we have harvested less a hundred thousand consistently.

It is my goal, as Executive Director, that we get back to those days where we were harvesting hundreds of thousand of sacks, even more than we have ever harvested in Mississippi, but we've got to press the reset button, in the agency, about how we look at the resource, the dynamics of the environment. We've got to look at fresh ways, in terms of aquaculture, the way we manage the resource with relays and cultivation, all of those things.

I am also glad to say that the Commission has been one hundred percent committed to that and our staff is committed to that.

As y'all make decisions today about the right thing to do with the resources this year, I just want to make it known that I and the staff are committed to making sure that the future of the resource is bright and that we get back to those days of hundreds of thousands of sacks.

The reality, with marine resources, especially with oysters, that I have found is there is rarely consensus. Depending on what user group you talk to and what scientist you may talk to, there are different opinions about what the right decision will be.

Tongers, dredgers, processors, user groups, restaurants, they all have their own kind of part of this resource use, and we have talked with all of them, and I think we've done a pretty good job of trying to bring all of that to the public and to the Commission.

I know that y'all don't take these decisions lightly. I appreciate that y'all have taken such a real interest and a real concern for what is the right thing to do. I thank you for that, and I hope that we can continue to inform y'all of ways that, at least, give you confidence that you are getting enough information and the right information to make good decisions. Thank you.

COMMISSIONER GOLLOTT: Would the staff give us a little briefing on what reefs could be opened as an early area. The areas we want to open are the areas in danger and need of working. We don't want to just open it all because we don't want to disturb the areas where there is fresh spat.

JOE JEWEL: We can.

I want to take a moment and echo Director Miller's comment. I do want to state, on the record, that the Commission has been very active and very engaged, particularly this year, with shellfish and the shellfish program.

The Commission has taken it upon themselves to become very aware of the condition of the resource. They have listened very carefully to the recommendations of the staff. They have taken it upon themselves to reach out to our partners in the scientific community at Gulf Coast Research Lab and met on the campus recently.

They have met with our partners in the regulatory community, the FDA, our regional shellfish specialist.

They have met here with the staff and listened to all of our partners' recommendations.

They have taken additional steps to personally go into the field and inspect the condition of the reefs

and of the resources.

Our Commission, as Director Miller has pointed out, doesn't take this process lightly. They have been very engaged in the process and are very informed in the decision that they are making.

Scott, Mr. Gordon, has a presentation that he gave to the Commission in September, and we have updated a little bit of the information with some of our recent field data collection, and he will present that to you, now.

SCOTT GORDON: Good afternoon, Mr. Chairman, Commissioners, Director Miller, and Ms. Chestnut.

Once again, this is Mississippi's historical landings going to FY 90 up until this last season, and, as Director Miller stated, we did, in the early 90's, approach the five hundred thousand sack level (indicating slide).

We were so high that there were a couple of these years, prior to Hurricane Katrina, that Mississippi's oyster production actually outproduced the entire eastern coast of the United States, little Mississippi here, and we are talking outproducing Chesapeake Bay and, also, from Florida up through Maine.

That is something we can be proud of. Director Miller has set a pretty high standard for where we want to

be in the future. We want to even improve above this (indicating slide).

We have done a lot of sampling this year, on our major reef areas. We have done a combination of one-minute dredge tows and square meter samples. What I'm going to show you here is reef by reef, the results of our square meter samples.

This is the Telegraph Reef area. That's one of the areas that I believe you were concerned with. It's further offshore, and I agree that Telegraph Reef has seen much better days. We had considerable mortality over the summer (indicating slide).

I have this broken down from spat sizes and seed, and, then, the sack size. From twenty-two of our samples, square meter samples, this is the result of what we saw. This is the average per square meter sample. Twelve and a half very small spat, eight point zero five larger spat, one-tenth of a seed oyster of the small size, and, then, the size that would be probably two-and-a-half up to three inches, we found none in there and, also, no sack oysters, and that's out of twenty-two square meter samples of the area (indicating slide).

Telegraph Reef, we would consider this reef to be in the depleted condition.

Pass Marianne Reef, you can see here the small

spat size and the seed size and the sack oysters. This is after forty samples, and we are finding for sack size two tenths of an oyster per square meter. That comes out to three sacks of legal oysters per acre, on the Pass Marianne Reef area, and if you look at this seed category, we would expect that maybe later in the season it might get into the three inch size range. There is less than one oyster per square meter sample, again, out of forty samples that we did (indicating slide).

Again, this Pass Marianne Reef would be considered to be in the depleted condition.

Pass Christian Dredging Reef, we did thirty-eight square meter samples on there. Of legal size oysters three inches and above, three tenth of an oyster per square meter and one point seven of the larger seed category. This would be estimated four to five sacks of legal oysters per acre (indicating slide).

Pass Christian Dredging Reef is also in the depleted condition.

St. Joe Reef. You can see we have higher numbers of spat in here. That is good for our future. The seed oysters, we still have kind of low numbers for the sack, but, after thirty samples, it averages eight to ten sacks of legal oysters per acre (indicating slide).

St. Joe Reef would be in the depleted to

severely stressed condition.

Pass Christian Tonging Reef, this would probably be in the best condition of them all, but it is still in a very stressed condition. We are looking at ten to twelve sacks per acre on there. This was the area that we had relayed oysters from the Pascagoula Causeway area to open up for the tonging, but we are looking in the neighborhood of ten to twelve sacks per acre there (indicating slide).

St. Stanislaus Reef. We went out, after the last Commission meeting, and looked at St. Stanislaus Reef. We had twelve samples. I'm sorry. We didn't put the number of sacks per acre, but I believe this was in the neighborhood of four to five sacks per acre, as well (indicating slide).

Waveland Reef. We did not find any live oysters, after doing five square meter samples on there (indicating slide).

This is the Standard Oyster Resource Management Protocol that I showed to the Commission the last time. There are certain sites scattered around where you do have higher numbers. The concern being if you were to open those areas that you are going to damage what we would be seeing in the future (indicating slide).

Here is a summary. Telegraph, Pass Marianne, Pass Christian Dredging, St. Stanislaus, Waveland in

depleted condition, and St. Joe and Pass Christian Toning in very stressed condition (indicating slide).

These are some comparison maps that we did with the one minute dredge tows. The difference between one minute dredge tows and the square meter samples, the square meter samples is more quantitative so we can extrapolate what we feel that we have out on the reef, and the one minute dredge tows is more qualitative which lets us know what sort of quality we have (indicating slide).

To compare the different areas that we sampled, we are talking in the neighborhood sixty one minute dredge tows on our major reef areas. I kind of just colored in the grids that we were sampling and showing relative numbers and showing the comparison between 2013 and 2014 (indicating slide).

2013 is generally in better condition. We have a few areas, in 2014, that did better. One of them is up here off the Henderson Point area where we did see an increase in the numbers, but a lot of these areas went down slightly (indicating slide).

This is the Pascagoula Causeway Reef square meter sample results that we did. We did twenty square meter samples, and this is the distribution. Basically, this is an unfished population, but these are the numbers that you would expect to see in an unfished population,

and it comes up to, in the legal size oysters three inches and larger, eleven point zero five per square meter, and that converts into a hundred and forty-nine to a hundred and seventy-nine sacks per acre. You can see there is a tremendous difference, and this is the sort of condition we would like to see all of our reefs in one day (indicating slide).

The staff recommendation is to authorize the Executive Director to allow a very limited oyster season of one week on oysters moved from the Pascagoula River area to conditionally approved Area 2, with input from the industry to maximize their value, and other standard oyster season regulations as in previous years.

COMMISSIONER GOLLOTT: A question for you.

The Telegraph Reef, you said, is depleted.

We were on the boat with Harold Strongg, and the dredgers were coming up and they had some pretty nice oysters mixed in there. I don't know if the square meter reflects that, or not, but, if the fishermen can't make a few sacks of oysters out of there, they are not going to work it.

All of the fishermen I've talked to and the scientists I have talked to say it will not hurt that oyster reef to open it up and turn those oysters over at this time of the year. That bottom is as hard as

concrete.

What makes you think we will kill oysters by opening it?

What can you tell us?

Have you checked the oysters, after they have dredged it?

Are they completely bad?

Usually, you have spat left.

SCOTT GORDON: We are in the process of trying to get these reefs restored. I don't see anything in here to change what my recommendation is. Some of these areas probably would not be harmed, if they were to be opened, but, I think, the reason for that would be that the fishermen would stop going, or not go at all.

We saw that happen last year, when some areas were opened. After one, or two, days, they just stopped going.

I don't know if I answered your question.

COMMISSIONER GOLLOTT: My question is to formulate a motion, what areas to do you want to keep closed and what can we open?

I want to open Telegraph Reef.

SCOTT GORDON: My recommendation stays the same as it was previously that none of the areas should be opened, with the exception of those oysters that we could

move from the Pascagoula Causeway area for tonging, and we are still looking at the area in-between the bridges. That may be another area that we might be able to open for tonging.

COMMISSIONER GOLLOTT: What areas are your NRDA areas?

Is there a way to describe the NRDA areas?

SCOTT GORDON: Yes. We had two, parcel six and parcel eleven, and they were on the Henderson Point Reef area, and, then, the Pass Marianne Reef area.

COMMISSIONER GOLLOTT: I would like to make a motion that we open everything, but the NRDA areas, for a very limited dredging season. Let the fishermen go out there and see how they can do.

It's my opinion we need to let these folks make as much money as possible. I think we need to have a massive planting effort next season to redo these reefs and get them back up and going.

I don't see where dredging these reefs as they stand, right now, is going to hurt them a bit because they die, if we don't dredge them, but I don't want to touch NRDA areas that we planted and everything. So we will give that a good chance.

That's my motion.

Can I get a second?

COMMISSIONER DRUMMOND: I second the motion.

COMMISSIONER GOLLOTT: We have a motion and a second.

Any more comments?

COMMISSIONER ZIMMERMAN: This is a hard, hard decision. We have scientists standing in front of us saying that it is their recommendation not to open the reefs, and what scares me to death is letting these fishermen go make a dollar today and take two dollars out of their pocket next year.

With that said, it is hard for me to go against the scientists.

KELLY LUCAS: Commissioner Gollott, if I may?

COMMISSIONER GOLLOTT: Yes.

KELLY LUCAS: With your motion, you are saying you wish to open all the dredging area, or are you limiting it to certain areas?

COMMISSIONER GOLLOTT: I tried to get Scott to tell me what areas.

Other than NRDA areas, are there any other areas that you know that we would do a lot of damage, if we open them?

KELLY LUCAS: Yes.

COMMISSIONER GOLLOTT: What?

KELLY LUCAS: Most of the dredging areas,

especially in the areas where we had a good recruitment and a good spat set.

Addressing what Director Miller mentioned at the beginning, when he talked about us looking towards the future and looking toward ensuring that we were able to harvest hundreds of thousands of sacks in the future, the areas where there is a high recruitment and a good spat set, I think we need to look at limiting those.

I do understand that when we looked at Telegraph Reef, there were probably some oysters that were pretty close to size. I don't know that you would have a whole lot of dredging that occurred there because I don't know how many sacks you would be able to get, but, certainly, looking at limiting those areas to just Telegraph Reef.

COMMISSIONER GOLLOTT: The fishermen, including the fishermen we were on the boat with -- you were there looking at it just like I was -- want the areas opened so they can go see if they can find oysters.

I would like to make this very limited. Yes, I would like to open all of the dredging reefs that it will not damage the spat and small oysters.

Like I say, I'm in favor of doing a massive relaying program next year and revitalizing these oyster reefs. I think that would be a lot more effective than worrying about a few oysters out there, right now. It

would help these people make their Thanksgiving and Christmas, and we will give authority to the Director. If he sees a problem, he can close it down.

Can you work with that motion?

JOE JEWEL: Well, Commissioner Gollott, I want to echo our chief scientist's recommendation and I also want to point out, if you notice here, parcel six and parcel eleven are approximately in these areas here, and, if we open dredging to the entire areas one and two which would be almost the entire western Mississippi Sound area it will be logistically an issue for not only the Marine Fisheries staff, but our law enforcement, to try to enforce the parcel areas that have been shelled by the NRDA program to enforce those (indicating slide).

I think, if we limit the season, or, at least, initially limit the season to an area here on Telegraph, we will have a lot more success in the management and law enforcement issues with dredging (indicating slide).

COMMISSIONER GOLLOTT: What about Telegraph and St. Joe?

Could you live with that?

JOE JEWEL: Sure.

COMMISSIONER GOLLOTT: Okay. We will limit it to Telegraph and St. Joe areas.

We have a motion and a second.

All those in favor?

(Commissioner Drummond and Commissioner Gollott in favor.)

COMMISSIONER GOLLOTT: All those opposed?

(Commissioner Zimmerman opposed.)

COMMISSIONER GOLLOTT: The motion carries.

At this time, we will discuss the basket dredges. I think that is something we need to address. I understand there has been a lot of basket dredges kill oysters and destroy reefs.

I think we need to take this out for public hearing and get some input so we will have time to do something about it.

JOE JEWELL: I had prepared a short presentation for y'all's consideration.

COMMISSIONER GOLLOTT: Okay.

JOE JEWELL: At the September Commission meeting, Mr. Gordon updated y'all on the bag dredges versus the basket dredges.

Here were some of the reasons and concerns on the basket dredges.

They are self dumping. Less manpower is required. They require fewer deckhands, or labor. They are easy to use. They are actually required in Alabama. There is less maintenance involved (indicating slide).

Some concerns that the staff discovered, in the process, is they are difficult to fish properly, they have the potential to damage, or bury, oysters. They can dig too deep into the reef, if not processed properly. They may make oysters in the area muddy, or they stir up excessive sediment (indicating slide).

In order for the Commission to consider limiting the use, or prohibiting, the use of basket dredges, they would have to consider alterations to Title 22 Part 1, specifically Chapter 7 Section 100.

It currently reads, "It shall be unlawful for any person, firm, or corporation, to take, or attempt to take, any oysters from the waters under the territorial jurisdiction of the State of Mississippi by the use of a dredge having a weight in excess of one hundred forty pounds and the tooth bar cannot have more than sixteen teeth and the teeth on the tooth bar cannot exceed five inches, unless otherwise permitted by the Mississippi Commission on Marine Resources, or as hereby authorized by the Mississippi Department of Marine Resources, its Executive Director, Director of Marine Fisheries, Bureau Director, Program Coordinator, or other MDMR designee."

If the Commission should choose to take action, go out on Notice of Intent, the proposed language modification could include "The use of basket dredges on

Mississippi oyster reefs are prohibited."

I do want to point out that, in reading the weight limitation for dredges, the Commission could also consider limiting the weight of a basket dredge that would eliminate some of the destruction on the reefs. You could consider that, also.

Rather than outright ban the basket dredge, the Commission could limit the weight of it which would eliminate some of the issues.

COMMISSIONER GOLLOTT: I've had some fishermen in Bayou Caddy explain to me that the way these things are built, the oysters build up in the metal bag and make the dredge heavier which is what makes it plow the bottom up.

For years we've been hearing that these basket dredges are tearing the reef up and no one has ever explained why. I just think we need to take this out for public hearing and get some input. Maybe it's wrong, but, if it is tearing our reefs up, we really need to do something about it.

JOE JEWELL: That is some of the issue, but, also, it has been described to me by some of the fishermen that actually use these that a lot of it depends on the length of line that is held out, too. The longer the line the more it digs into the reef, and the shorter line that is held onto the dredge, it lessens the tendency to do

that. So a lot of that is technology transfer, too.

COMMISSIONER GOLLOTT: I don't think the Commission has its mind made up. I think this is something we need to explore and find out. If it is damaging, we need to do something about it. If it's not, then, so be it.

What would we have to do to take it out for public hearing, make a motion?

JOE JEWELL: Well, the Commission would have to make a motion.

I do want to update. In September, the Commission had directed the staff to go out and explore some of the options that we had listed on there.

We are in the process of that. Some of the things that we are going to publicly outreach was a survey with the fishermen. We were going to wait to implement that until the season opened.

So we were in the process of doing that where we were going to do some mechanical dredging with both dredges with GoPro cameras.

We had presented some of the initial findings to the Commission, at the September Commission meeting.

So we are in the process of doing an analysis of both types of gear, but, if the Commission wanted to proceed with either, or both, of those options for a

Notice of Intent, you would have to vote on that today.

COMMISSIONER ZIMMERMAN: What we just passed, opening a limited season, we are not going to get this through for this season. We have a whole year to get this through.

Mr. Chairman, I would ask why we don't let them get some more data and come back to us?

COMMISSIONER GOLLOTT: It's all right with me.

JOE JEWELL: I think that's a point. We have a very limited season. There is not going to be a lot of pressure, or effort, out on the reefs. It would give the staff the ability to give more data to the Commission on which to make a decision.

Whatever the Commission decides we will implement.

JAMIE MILLER: Joe, the Commission doesn't have to take action on the Notice of Intent, unless they have a public hearing, do they?

JOE JEWELL: No. The Commission could draft DMR to have a public hearing.

COMMISSIONER GOLLOTT: Let's go ahead and have a public hearing and get some input on this.

COMMISSIONER ZIMMERMAN: Does it require a motion?

JOE JEWELL: It would.

COMMISSIONER ZIMMERMAN: Well, I would like to make a motion for y'all to go out and have a public hearing and collect more data on the basket dredges.

COMMISSIONER GOLLOTT: Do I have a second?

COMMISSIONER DRUMMOND: I'll second the motion, but I have a comment to make.

COMMISSIONER GOLLOTT: Go ahead.

COMMISSIONER DRUMMOND: I heard about oyster fishermen cultivating the reefs.

Can you tell me about that, Joe?

JOE JEWELL: Well, cultivation is simply pulling a dredge over the reef without a bag on it. What that does is it turns up the reef. You can do that for a couple of reasons for management purposes.

One, it will turn over the oyster shell and allow for a cleaner surface for spat set, or, in areas like St. Joe where we had a lot of muscle material, it will allow that to dissipate a little bit more than it does.

So, for management reasons, cultivation, we do engage in those activities, and it is simply pulling a dredge over the reef without a bag on it. It just turns over the material.

COMMISSIONER DRUMMOND: What is the difference in using a dredge to cultivate a reef and a dredge to

harvest oysters?

JOE JEWELL: Well, a dredge that has the bag on it, you are actually taking material off. Without the bag on there, you are leaving everything on.

COMMISSIONER DRUMMOND: I understand that, but, with a dredge, are you destroying the reef, when you are harvesting oysters?

JOE JEWELL: It's just a lot more efficient operation, when you do it without the bag on and you are pulling it at a continuous rate over a lot longer period of time.

When you are doing it with the bag on, you are very limited in what you are doing, and it's a different purpose.

COMMISSIONER DRUMMOND: Thank you, Joe.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor?

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

JAMIE MILLER: Mr. Chairman, Commissioner Bosarge couldn't be with us in person, but we have had him on a phone call. I think he has been able to listen in to

some of it, but we wanted to provide him an opportunity to make comments, if he has any to make.

Commission Bosarge just wanted to thank us for letting him listen in to the meeting and that he would follow up with questions to the other Commissioners some time this week, but he thanked everybody for the discussion.

COMMISSIONER GOLLOTT: Do we have any other business?

(No response.)

COMMISSIONER GOLLOTT: Any public comments?

(No response.)

COMMISSIONER GOLLOTT: Do we have a motion to adjourn?

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

COMMISSIONER ZIMMERMAN: Second.

COMMISSIONER GOLLOTT: All those in favor?

(All in favor.)

COMMISSIONER GOLLOTT: We are adjourned.

(Whereupon, at 12:38 o'clock, p.m., the November 5, 2014, meeting of the Mississippi Commission on Marine Resources was concluded.)

C E R T I F I C A T E

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the November 5, 2014, 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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Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788