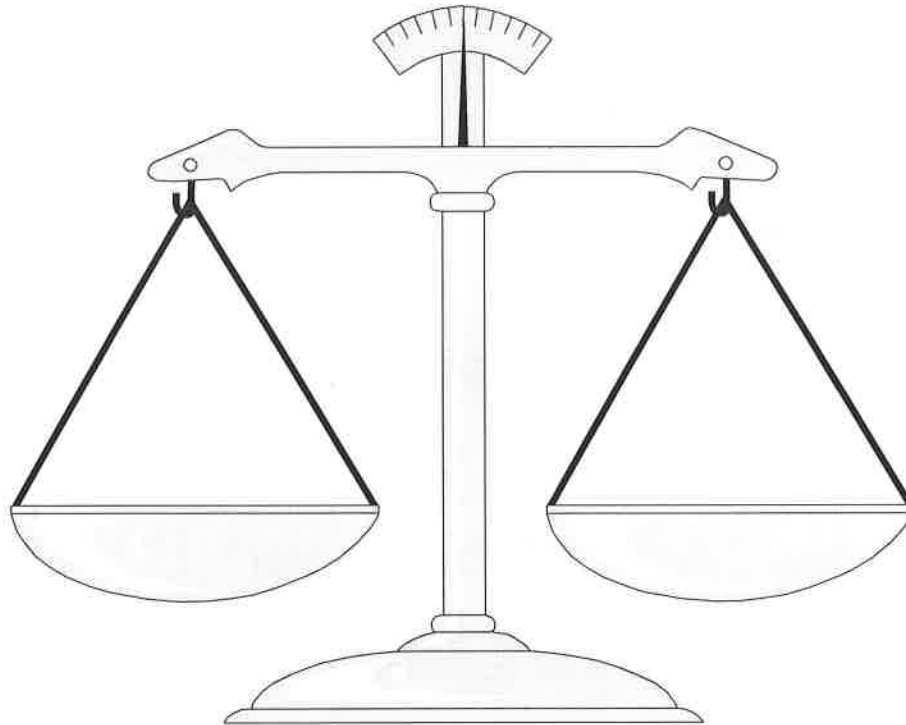


Compressed Transcript



COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

May 21, 2013

**N.J. Soroie, CSR, P.O. Box 2102, Bay St. Louis, MS 39521
(228) 467-2199**

COMMISSION ON MARINE RESOURCES

MEETING OF COMMISSION ON MARINE RESOURCES

May 21, 2013

TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT
BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW
AVENUE, BILOXI, MISSISSIPPI, ON THE 21ST DAY OF MAY 2013
COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER
SOROE, CERTIFIED SHORTHAND REPORTER.

COMMISSION MEMBERS PRESENT:

DR. VERNON ASPER, Chairman
RICHARD GOLLOTT
SHELBY DRUMMOND
STEVE BOSARGE
JIMMY TAYLOR

ALSO PRESENT:

JAMIE MILLER, Director DMR
JOSEPH R. RUNNELS, ESQ., Asst. Attorney General
SANDY CHESNUT, ESQ., Asst. Attorney General

is approved.

D. Public Comments

DR. ASPER: The next section on the agenda is public comments. In order to qualify for making comments, we ask you to fill out a little form in the back. I don't have any of those before me, so I'm going to assume that nobody is interested in speaking. If that's incorrect, please be recognized and we'll get you to sign in. We really like to hear from the public. Okay. If there's something comes up on the agenda later on and you feel the need to speak out, we can possibly make an exception.

E. Executive Director's Report

DR. ASPER: Moving on to Item D, the executive director's report.

MR. MILLER: Thank you, Chairman Asper.

I've got two resolutions that I'd like to read and put into the record. And we'll provide these resolutions to the families framed sometime after the meeting.

Whereas, the Mississippi Commission on Marine Resources is a duly constituted governmental entity created to serve the Great State of Mississippi; and

Whereas, said service incudes the conservation and wise management of marine resources in Mississippi; and

Whereas, the Mississippi Commission on Marine Resources acknowledges contributions to the betterment of the

A. Call to Order

DR. ASPER: Good morning. I'd like to welcome everybody to the regular May meeting of the Mississippi Commission on Marine Resources. It's great to have everybody here. We have agendas in the back of the room. We're going to follow those.

B. Approval of Minutes

DR. ASPER: The first item on that agenda is approval of the minutes. Are there any corrections to the minutes as distributed? Or is there a motion to approve?

MR. GOLLOTT: So moved, Mr. Chairman.

MR. DRUMMOND: Second the motion, Mr. Chairman.

DR. ASPER: Those in favor say aye. The minutes are approved as distributed.

C. Approval of Agenda

DR. ASPER: We have an agenda. Make sure that you're using the corrected agenda. The one that was mailed out to us had some miner errors in it. So make sure you're looking at that one.

Are there any changes to this agenda? Is there a motion to approve?

MR. GOLLOTT: So moved.

MR. DRUMMOND: So moved.

MR. GOLLOTT: Second.

DR. ASPER: Those in favor say aye. The agenda

fisheries of the Gulf of Mexico through significant biological, industrial, legislative, enforcement, or administrative activities;

Whereas, Walter Eley Ross served on the Mississippi Commission on Marine Resources from 1997 to 1999 as a commercial fishing representative and contributed to the wise management of Mississippi's marine resources;

Whereas, Walter Eley Ross was a third generation fisherman and the Rosses were one of Biloxi's oldest and largest fishing families;

Whereas, from the age of 14 he was a lifelong fisherman working on family commercial fishing vessels, the WILDCAT, MAG-DOFF, and CLYDE R. He operated as captain The DOROTHY T., PEG ROSS, LATHIE W., AND ETHELYN R., and finally built his own boat, a 56 foot Biloxi lugger, the JUNIE-DOFFIE in 1965;

Whereas, he was an advocate for the local fishermen and served as president of the Gulf Coast Fishermen's Organization and was honored as Biloxi's Shrimp Festival king;

Whereas, Walter Eley Ross passed away on April 14, 2013.

Now therefore be it resolved in a duly constituted and assembled meeting of the Mississippi Commission on Marine Resources recognizes and appreciates the long valuable career and service of Walter Eley Ross to the

1 management of Mississippi's marine resources.
 2 We have one more to be read.
 3 Whereas, the Mississippi Commission on Marine
 4 Resources is a duly constituted governmental entity created to
 5 serve the Great State of Mississippi; and
 6 Whereas, said service includes the conservation
 7 and wise management of the marine resources of Mississippi; and
 8 Whereas, the Mississippi Commission on Marine
 9 Resources acknowledges contributions to the betterment of the
 10 fisheries of the Gulf of Mexico through significant biological,
 11 industrial, legislative, enforcement, or administrative
 12 activities;
 13 Whereas, Ricky J. Hembra served on the
 14 Mississippi Commission on Marine Resources from 2000 to 2004 as
 15 a recreational fishing representative and contributed to the
 16 wise management of Mississippi's marine resources;
 17 Whereas, he was an advocate for the recreational
 18 fishermen and an avid recreational fisherman himself;
 19 Whereas, he was a strong supporter of the
 20 Mississippi Coastal Cleanup donating his time and vessels year
 21 after year to help make the program successful;
 22 Whereas, Ricky J. Hembra passed away on January
 23 25, 2013.
 24 Now therefore be it resolved in a duly
 25 constituted and assembled meeting that the Mississippi

5

1 Commission on Marine Resources recognizes and appreciates the
 2 valuable service of Ricky J. Hembra to the management of
 3 Mississippi's marine resources.
 4 DR. ASPER: I'd just like to take a moment and
 5 also express my thanks to these individuals for their
 6 contributions and my condolences to their families. They were
 7 both outstanding commissioners. They did a really good job.
 8 And they will certainly be missed.
 9 MR. MILLER: That concludes my executive
 10 director's report.
 11 DR. ASPER: Okay. Thank you.
 12 We'll move on then to marine patrol.
 13 MS. CHESNUT: Excuse me, Mr. Chairman. Was
 14 there a motion to approve those resolutions?
 15 DR. ASPER: I don't believe there was. Thank
 16 you.
 17 MR. BOSARGE: I'll make a motion to approve
 18 these resolutions.
 19 DR. ASPER: Is there a second?
 20 MR. DRUMMOND: Second the motion, Mr. Chairman.
 21 DR. ASPER: Those in favor say aye. Thank you.
 22 F. Marine Patrol
 23 2. Marine Patrol Report
 24 MR. CHATAGNIER: Today is my last commission
 25 meeting. Director Miller said I could just about do anything I

6

1 wanted. So I got Scott Gordon to write me a real short
 2 presentation. We're going to go back as far as Moses' days
 3 when he parted the Red Sea, and we'll take it from there.
 4 Now, I won't hold you up that long.
 5 Mr. Chairman, commissioners, Director Miller,
 6 thank you for the opportunity to serve you.
 7 Our commission report just about like it is any
 8 other time. Got one particular case on here with Thu K. Tran.
 9 They were caught buying recreational fish, and they were caught
 10 selling recreational fish. So that's one of the hardest cases
 11 that we have to make, and we ended up making a pretty good case
 12 on there.
 13 Speckled trout and red drum are down. A lot of
 14 fish right now, and they're all pretty good size fish. So we
 15 haven't seen a big increase in the --
 16 Of course, our fishing license citations,
 17 they're back up. The weather is pretty. People out fishing.
 18 Sooner or later, they'll get the word that they have to have a
 19 license.
 20 Boat and water safety violations are about
 21 running normal. That time of the year again where people are
 22 really taking the boats out of moth balls and starting to use
 23 them.
 24 We did boat and water safety classes, we did 12
 25 of them, and we certified 133 students. One of the big classes

7

1 was a multiple class. We're going around training all the fire
 2 departments now. Most of the fire departments on the coast
 3 have some kind of fire boat or water rescue boat, so most of
 4 them are taking our boat and water safety courses from us.
 5 Boating accidents with injuries was one boat at
 6 Rocking the Riverfront at Moss Point capsized. And boating
 7 accident without injuries, two of them. We had a couple of
 8 boats flipped south of Deer Island, and a boat fire that was
 9 actually caught on fire at one of the piers.
 10 The water incident with medical emergencies was
 11 one. That was all the young kids that went camping at Deer
 12 Island when the storm came through. We evacuated everybody off
 13 Cat Island.
 14 The outreach program, we did five local marine
 15 events. And that's something that we're getting more and more
 16 of every year, different parades and functions and Smokin' the
 17 Sound and boat races and drag races, and everybody is coming to
 18 us to do these events for them.
 19 The dive team was on standby for Smokin' the
 20 Sound race only. Didn't have to do any diving. Luckily it
 21 went without incident. I think it's the drag racing Gulfport
 22 Lake. They had one boat flipped over. Guy managed to get out
 23 of the boat by himself, and everything was okay.
 24 JEA patrols, we did 19 of them, 14 enforcement
 25 action reports. I believe most of those were going to be the

8

1 report from the snapper. People got a little early start on
2 the snapper off of the coast of Louisiana, and we issued
3 citations for that.

4 Other than that, any questions?

5 MR. BOSARGE: Yes, sir, Chief. I was curious as
6 (inaudible). But the dolphins, I saw here you had six dead
7 dolphins. Were those mature dolphins or adult dolphins?

8 MR. CHATAGNIER: My understanding, some of them
9 were juvenile dolphins. You know, I can't answer that question
10 as far as what's killing them. I'm not a biologist. And
11 without trying to sound smart, you know, you read the
12 obituaries every day, it's full of people. I mean, they're
13 animals. They have a life span. I don't know if it's natural
14 causes or unnatural causes.

15 MR. BOSARGE: I was curious as to whether they
16 were adults or small dolphins. Thank you.

17 DR. ASPER: Well, Chief, I want to just take a
18 moment and thank you for everything you've done for this
19 agency. You will be sorely, sorely missed. You have done the
20 best job I could ever imagine as chief of law enforcement. We
21 really, really appreciate it. You're going to be sorely
22 missed, and you will be well remembered for a very, very, very
23 long time. Thank you for everything.

24 MR. CHATAGNIER: I know I haven't made everybody
25 happy, but when you're in law enforcement, if you make

9

1 Also would like to take a minute and thank
2 Colonel Chatagnier. I'd like to thank him for being a good
3 example to me in the way he conducted his career here at the
4 Department of Marine Resources. Tiny has always been a good
5 example to me on how to work hard to protect our resources and
6 how to treat people fairly. And I do agree with everything you
7 said, Dr. Asper. He's done a wonderful job.

8 So thank you, Chief, and we are going to miss
9 you.

10 There's a few things I'd like to brief the
11 commission on before we get started with the presentations for
12 marine fisheries.

13 One is I want to update you on the commercial
14 quotas. For redfish, redfish, the commercial quota starts on
15 January 1 of each year. And it's 35,000 pounds. As of last
16 Thursday, the commercial sector has harvested 18,440 pounds.

17 For flounder, it's the same thing. It starts on
18 January 1 of every year. There's a 74,000 pound quota. And as
19 of last Thursday, 869 pounds have been harvested.

20 For speckled trout, what we started doing this
21 year, it was a new regulation that you passed last year, is the
22 speckled trout season starts on February 1, and for the first
23 four months of the season, half of the quota can be harvested,
24 which the quota is 50,000 pounds. So for the first four
25 months, 25,000 pounds can be harvested, and that runs from

11

1 everybody happy, then you're not doing your job. There's
2 always somebody going to be unhappy.

3 DR. ASPER: You've made more people happy in the
4 public and in the agency than could have been conceived
5 possible. One of your programs that really impressed me was
6 the loaning of life jackets to people that didn't have them.
7 That just says the world about where your heart is and how you
8 feel about safety.

9 MR. CHATAGNIER: I've tried to instill in the
10 officers that the public out there is actually who they work
11 for. So treat them right.

12 (Applause.)

13 DR. ASPER: I'd like to just take a moment
14 really quickly to recognize Dr. Kelly Lucas. Kelly, could you
15 stand up real quickly? She is our new chief scientific
16 officer, and exactly what her responsibilities are has yet to
17 be fully defined, but she does have a Ph.D. from Southern Miss.
18 She is going to be helping us ensure that our policies and
19 procedures regulations are scientifically justified and that we
20 are doing the very best job we can in managing the resources.
21 So just want to welcome you on board, and I wish you well.

22 Okay. Dale.

23 G. Marine Fisheries

24 MR. DIAZ: Good morning, Dr. Asper,
25 commissioners, Ms. Chesnut, Mr. Miller.

10

1 February through May. As of last Thursday, 18,440 pounds were
2 harvested.

3 Now, started on June 1, the second half of the
4 season starts up, any balance of the first four months quota
5 that is not harvested will be added to the second four months
6 quota, and it will run from June 1 through the month of
7 September.

8 And I'll keep you posted on how that goes
9 throughout the year.

10 Also, I want to let you know that the cultch
11 plant is winding down in the Mississippi Sound. As you all
12 know, Scott did a presentation a while back. We're doing an
13 extremely large cultch plant this year. We're partnering with
14 DEQ, and it's a NRDA project. It's roughly about 80 percent
15 complete. The last of the limestone that we're waiting on
16 right now is supposed to arrive in the Mississippi Sound today.
17 It's probably going to take the company two or three days to
18 finish out. The weather permitting, the spring cultch plant
19 should be finished by the end of this week.

20 Also, I want to take a few minutes and talk
21 about recreational red snapper. As y'all know, there's a lot
22 been going on this year with recreational red snapper. And I
23 want to talk a little bit about it because it's been in the
24 news lately, and I want to make sure and update the commission
25 on exactly what's been going on.

12

1 So a little bit of background is, red snapper in
2 the Gulf of Mexico is managed as a single stock. So harvest in
3 one part of the Gulf affects harvest and fishermen in other
4 parts of the Gulf.

5 Red snapper is in a rebuilding program. It's a
6 federally managed species. In 2012, the total allowable catch
7 for red snapper was eight million pounds. In 2013, the total
8 allowable catch is 8.46 million pounds. And that total
9 allowable catch is divided up between the commercial and
10 recreational sectors. The commercial sector gets 51 percent,
11 and the recreational sector gets 49.

12 The big issue with the red snapper this year as
13 the stock recovers, the seasons have been getting shorter and
14 shorter. And there's two reasons for this. The fish are
15 getting bigger. About ten years ago, the average size of red
16 snapper that was caught was about three and a half pounds.
17 Last year, the average size was in excess of seven and a half
18 pounds.

19 Also, as the stock recovers, the stock is
20 expanding into areas of the Gulf where it hasn't traditionally
21 been caught in large numbers. I just read an article recently
22 that off of Tampa Bay, they have a substantial red snapper
23 fishery, where in the past they haven't had a big red snapper
24 fishery.

25 So fish are getting bigger because they're

13

1 moving into other areas of the Gulf. There's more effort. So
2 that's why the season are getting shorter and shorter.

3 But as the seasons are getting shorter and
4 shorter, different states and different people are trying to
5 figure out ways where they can have more access to these fish.
6 So as we stand right now currently, Texas has a year round
7 fishery in state waters, their federal season is set to be 12
8 days in the federal season. And they have a four fish bag
9 limit in their state waters. Louisiana has implemented an 88
10 day weekend only season. They allow three fish in state
11 waters, and their federal season is set to be nine days.
12 Florida has plans to open up on June 1 for a 44 day season with
13 a two fish bag limit, and their federal season will be 22 days.
14 Mississippi and Alabama have decided to be consistent with the
15 federal regulations that were proposed, and our season is set
16 to be 28 days, and it will start on June 1.

17 So at the last commission meeting, I told you
18 that because several states had been planning to have a longer
19 recreational season in their state waters than what was being
20 proposed in federal waters, the Gulf of Mexico Fisheries
21 Management Council passed an emergency rule at its February
22 meeting which basically states that National Marine Fisheries
23 Service can close down federal waters adjacent to a state that
24 has non-compatible regulations with the federal regulations.
25 And they can close those waters down for enough time to deal

14

1 with the effects of the non-compatible state regulations.

2 It's important to note that without that
3 emergency rule in place, the federal season is shorter for
4 everybody, and specifically it impacts states that are
5 consistent with federal regulations the most.

6 So at the April Gulf of Mexico Fisheries
7 Management Council meeting, two motions were passed by a slim
8 majority. One was to rescind the emergency rule that was
9 passed at the February Gulf of Mexico Fisheries Management
10 Council meeting, and the other was to do away with the
11 requirement that requires for hire vessels that hold federal
12 reef fish permits to abide by the most stringent regulations,
13 whether they be state or federal.

14 However, last week, the National Marine
15 Fisheries Service Southeastern Administrator denied both
16 motions that was passed at the Gulf of Mexico Fisheries
17 Management Council meeting in April.

18 Also what's going on, the states of Texas and
19 Louisiana and a group of charter boat fishermen in Texas have
20 each filed lawsuits against National Marine Fisheries Service
21 to keep the agency from reducing recreational red snapper
22 fishing days in federal waters off of non-compliant states.

23 The states of Alabama and Mississippi have
24 worked together to file a report in regards to these lawsuits
25 in support of protecting our fishermen from losing fishing

15

1 days.

2 It's my understanding that the Texas and
3 Louisiana lawsuit is set to be heard on the 30th of May. But
4 if either one of these lawsuits happen to prevail, the federal
5 red snapper season will be shortened.

6 So I know that's a lot of stuff to say at one
7 time, and there's actually more stuff than that going on, but
8 that's a general idea of what's going on with the recreational
9 red snapper season for this year.

10 MR. DRUMMOND: What happens if Louisiana wins
11 their case?

12 MR. DIAZ: If Louisiana and Texas prevail, or if
13 the charter boat fishermen prevail, the federal season will be
14 shorter. Right now, we're scheduled to have a 28 day season.
15 That will start on June 1. If the emergency rule, if the Court
16 actually does away with the emergency rule, then it's my
17 understanding that the federal season will be shortened by six
18 days. So instead of 28 days for fishermen in Louisiana --
19 Mississippi and Alabama to fish, fishermen in our states would
20 only get to fish for 22 days.

21 MR. BOSARGE: I guess, Dale, so I understand it,
22 if their lawsuit prevails, then they will divide what they feel
23 like has been caught already amongst all states, in other
24 words, they'll reduce everybody's, that we'll have one season
25 for all the five states?

16

1 MR. DIAZ: Right. See, the snapper, red snapper
2 in the Gulf of Mexico is managed as a single stock. So if that
3 lawsuit prevails, they'll have to take into account the extra
4 fish that will be caught because of those non-compliant state
5 regulations, and they'll have to adjust the federal season
6 accordingly where we can stay within the total allowable catch
7 for this year.

8 MR. BOSARGE: And what are your feelings as far
9 as do they have a chance to win their suit, do you think?

10 I can't see an argument for them.

11 MR. DIAZ: I would hate to try to speculate on
12 that. Maybe Joe or Sandy might be better able to... I think
13 we put up some -- we did put up some convincing arguments of
14 why we think it's not fair and equitable for fishermen in
15 Mississippi and Alabama to lose days because of actions in
16 other states.

17 And Joe and Sandy did help put that report
18 together, and they had some other procedural things that they
19 brought up that I thought were good points that might help
20 National Marine Fisheries Service prevail.

21 But as far as speculating how it's going to turn
22 out, I...

23 MR. BOSARGE: I'm sure they'll have a TV show
24 about this at some point in time. Thanks.

25 MR. DIAZ: Thank you.

1 filed is being heard in Brownsville, Texas, federal court. And
2 the lawsuit that was filed by the charter boat fishermen is
3 being heard by federal court in Galveston, Texas. So both of
4 them are being heard in Texas.

5 DR. ASPER: Dale, just for the record, I don't
6 think you stated it explicitly, but our regulations are
7 compliant with the federal regulations.

8 MR. DIAZ: Yes, sir.

9 DR. ASPER: Just to make sure that -- so
10 everybody understands that.

11 And the other thing is that we have a very
12 small, if any, red snapper fishery in state waters.

13 MR. DIAZ: That's correct.

14 DR. ASPER: And while you're at the podium
15 there, could you comment on red drum, what our latest thinking
16 is there based on what we heard before in terms of how the
17 fishery is doing and what changes, if any, we would see
18 happening in our state waters?

19 MR. DIAZ: We did a report last month, and we
20 can provide that to you, a Power Point presentation.

21 DR. ASPER: I have a copy of that. That was
22 last month, but things seem to change pretty quickly.

23 MR. DIAZ: Well, the red drum fishery in state
24 waters is fine. The stock is healthy. There are some things
25 that we're trying to get done at the federal level. You know,

1 MR. DRUMMOND: I have one question, Dale.
2 You said that snapper fishery off of Tampa has
3 increased in size. I don't ever remember any snapper off Tampa.

4 MR. DIAZ: Right. I read an article recently,
5 and that's basically what it said. Traditionally they caught
6 very few red snapper in the Tampa Bay area. But now there is a
7 snapper fishery in that area.

8 So as the stock is recovering, it's moving in
9 the areas that the fish just did not inhabit before. And some
10 of Florida is also reporting that snapper are being caught more
11 regularly at shallower reefs than what they've historically
12 been caught, too.

13 So as the fishery expands, they're moving into
14 new areas.

15 MR. DRUMMOND: Got any idea how big it is, how
16 much the landings are?

17 MR. DIAZ: There is one other thing that will
18 give us an idea of the recovery. There's a new stock
19 assessment being done right now, and we're expecting the
20 results of that stock assessment the first week in June. And
21 that may give us some indication on the health of the red
22 snapper population in the Gulf of Mexico.

23 MR. GOLLOTT: Dale, where's these lawsuits
24 taking place?

25 MR. DIAZ: The lawsuit that Louisiana and Texas

1 the federal season for red snapper has been closed down for
2 over 30 years. And one of the problems is we do not have a
3 current stock assessment. And because the fishery has been
4 closed down so long, there's not enough data to do a stock
5 assessment.

6 So we did -- we were able to get some motions
7 passed at the April council meeting that moves us in the
8 direction of collecting some more data to where we can do a
9 stock assessment in the future. And we did put red drum on the
10 CR schedule for the Year 2016. So hopefully that's the year
11 that we'll be able to conduct a stock assessment.

12 And my hope is one day that we go back to
13 actually managing redfish in federal waters. Right now,
14 closing it is not managing it. It's just keeping it closed.

15 Does that answer your question, Dr. Asper?

16 DR. ASPER: Yes. I just wanted to get it on
17 base to make sure that things are still on track. Thanks.

18 MR. DIAZ: First up for marine fisheries is Ms.
19 Traci Floyd. She's going to do a presentation about our shrimp
20 sampling so far. And this is an action item. She's going to
21 ask for authorization for the executive director to be able to
22 set the season.

23 3. Shrimp Season Update

24 MS. FLOYD: Good morning, Mr. Chairman,
25 commissioners, Director Miller, and Ms. Chesnut.

1 I'm Traci Floyd, and I'm director of the shrimp
2 and crab bureau.

3 A look back at last year's season. We opened on
4 May 30. We were able to open additional waters in Biloxi
5 channel on November 12. And north of the intracoastal waterway
6 closed on December 31 as it typically does. And south of the
7 intracoastal waterway closed as scheduled on April 30.

8 This is a map of Mississippi shrimping grounds,
9 and there is the intracoastal waterway, the yellow line running
10 through the middle right there. Of course, within a half mile
11 of the shoreline is open only to live bait shrimping. And our
12 bays are always closed to shrimping to protect our fragile
13 nursery grounds.

14 Of course, our shrimp fishermen follow many
15 conservation directives. That makes it a sustainable fishery.
16 In addition to annual seasonal closure guidelines that I just
17 mentioned, there are also permanent shrimping area closures
18 previously mentioned, as well as within one mile of the Gulf
19 Islands National Seashore barrier islands.

20 Also our shrimpers follow gear limitations of
21 trawl and door size laws, and they follow federal TED and tow
22 time requirements to protect sea turtles.

23 This is a look at the annual economic impact to
24 the Mississippi shrimp fishery, and this is based on
25 Mississippi State University study. These are actually updated

21

1 exception of 2010 when we had all of those precautionary
2 closures.

3 The post-Katrina numbers are about half, maybe a
4 little bit more what we saw pre-Katrina.

5 Now, this increase you see in 2012 can be
6 attributed to our new trip ticket system. Whereas before we
7 only had landings collected from our seafood dealers, now we
8 get information from shrimpers who sell directly to the public.
9 And we certainly appreciate their cooperation in getting that
10 information.

11 A quick look at the number of seafood dealers
12 and processors in the state. Prior to Katrina, we had 76. A
13 couple of years later in 2007, we had 47. And currently there
14 are 52 in the state.

15 So now we'll look at the conditions that
16 contribute to this year's shrimp season. And first up, we'll
17 look at monthly rainfall for the Biloxi Bay area. This is
18 rainfall in inches. And the purple bar for each month is 2013.
19 We're comparing it to the past three years.

20 As you can see in March, not even half an inch.
21 But as you know, in April over six inches for this area and
22 over five and a half inches in May. And that is important, of
23 course, because that contributes to our salinities.

24 And once again, this is the Biloxi Bay area.
25 We're comparing 2013 to previous years. And our base line here

23

1 numbers from what you received in your mailout, and they
2 reflect an increase in value of the fishery.

3 But it produces over \$109 million in total value
4 of economic goods, creates 2,663 jobs for the state, and
5 generates \$44 million in income.

6 Currently in the state, there are 481 resident
7 commercial shrimpers licensed. And as you know, this is down
8 about half of what we saw ten years ago. Of course, the
9 fishery has faced many hardships, high fuel costs, competition
10 from cheap imports, and lots of infrastructure due to disaster
11 that have decreased our fishermen's access to fuel, ice, and
12 decent docking facilities.

13 Currently in the state, there are 129 resident
14 commercial shrimpers licensed. And we have about 270 folks
15 that do this recreationally.

16 Another way to look at effort are the number of
17 boats we count working on opening day. And this is the way
18 when we typically see the most shrimping activity in our
19 waters. In 2012, there were 210 boats counted, and that was
20 actually up from 2011, but only a quarter of the activity we
21 saw ten years ago.

22 For 2012, our landings for all species of shrimp
23 heads on was 13 million pounds with a dockside value of \$24
24 million. And as you can see in the years since Katrina, we've
25 averaged between eight and ten million pounds with the

22

1 is ten parts per thousand which is the level at which -- the
2 optimum level for shrimp growth.

3 As you can see in March, we're over the
4 threshold, but in April and May with those heavy rains, we're
5 below the levels we would like to see for salinities.

6 Better days when we look at water temperature.
7 Again Biloxi Bay, by month. Our base line here is 68 degrees
8 Fahrenheit which is again our optimum level for shrimp growth.
9 And as you can see, 2013 has been for this area warmer as far
10 as water temperatures, and since March we've been above that
11 threshold.

12 In conjunction with GCRL over at the USM folks,
13 we are looking here at post-larval samples for Biloxi Bay. You
14 can see we had a peak at the end of February, a couple more
15 peaks in March, and our highest peaks in early April, and
16 around the 19th got a little over 120 counted there.

17 And, of course, our post-larval numbers are not
18 necessarily a good indicator of what our season will look like.
19 However, we can compare it to previous years.

20 And here is 2013, the yellow line. Not as low
21 as 2009, but not as high as the past three years. And just to
22 give you some reference, 2009 and 2011, we had very similar
23 landings. So just to show you it's not necessarily a
24 predictor.

25 So we've begun and we continue our ongoing

24

1 intensive trawl sampling here at the DMR. We're going at least
2 twice a week, and, of course, what we're looking for is that 68
3 count per pound legal requirement to open the season.

4 And I just wanted to give you a snapshot of
5 yesterday's sample. This is at the mouth of Biloxi Bay, and
6 our brown shrimp there counted 119 to the pound. Mixed
7 throughout are some very nice white shrimp that were exactly 26
8 to the pound. Fewer of those, of course, but we are seeing the
9 growth we expect to see this time of year despite those heavy
10 rains, although it may affect our numbers in the long run.
11 It's early to tell.

12 Of course, the fisheries office continues our
13 ongoing sampling for PAHs in response to DEEP WATER HORIZON.
14 Over 580 seafood tissue samples have been tested to date. And
15 this is not only for shrimp, but for crab, finfish, and
16 oysters. All have been well below levels of concern, and the
17 results are updated monthly on our website.

18 Also wanted to mention, of course, that the
19 official long term studies that include shrimp and their
20 habitat as a result of DEEP WATER HORIZON is through the
21 Natural Resource Damage Assessment program. As we all know,
22 those results will not be available for some time, and the
23 trustee agency for Mississippi is Department of Environmental
24 Quality.

25 Of course, our DMR seafood marketing program

25

1 be given to the executive director to open shrimp season when
2 sampling shows shrimp have reached the 68 count per pound state
3 statute requirement.

4 DR. ASPER: Is there any projection on when that
5 will be reached?

6 MS. FLOYD: I think it will be the typical date.
7 It's early to tell, but we typically open the first week in
8 June. Many more samples to do before then, but shrimp growth
9 is typical.

10 MR. GOLLOTT: Mr. Chairman, I would like to make
11 a motion that we give the executive director the authority to
12 open shrimp season.

13 DR. ASPER: Is there a second?

14 MR. BOSARGE: I'll second the motion.

15 DR. ASPER: Further discussion? Those in favor
16 say aye. Carries unanimously.

17 MS. FLOYD: Thank you.

18 MR. DIAZ: Thank you, Traci.

19 And last up for marine fisheries is Mr. Erick
20 Porche, and we have a couple of state records for him to share
21 with you. And this is an action item.

22 4. State Records

23 MR. PORCHE: Good morning. I have two records
24 to submit for your approval today. Both of them are
25 conventional tackle.

27

1 continues to share this information through the Gulf Fresh
2 Seafood marketing campaign.

3 A few words on the invasive Asian tiger shrimp.
4 You may recall back in 2011, we had 15 of those specimens
5 reported in our waters. In 2012, there were 16. And our last
6 report of Asian tiger shrimp in Mississippi was last fall.
7 It's interesting that in Louisiana where there were hundreds of
8 these shrimp being reported, they have also not had any reports
9 this year. And the same for Mississippi. So it will be
10 interesting to see as the summer progresses if those shrimp are
11 still here. Alabama has had I believe at least a dozen
12 reported this year.

13 I wanted to mention our Shrimping the Sound
14 newsletter. It's our annual newsletter, and it's our fourth
15 edition. It went to the printer's last week. And this year's
16 edition includes information on grant and marketing
17 opportunities for shrimpers, Coast Guard vessel safety
18 requirements, new information on submerged pipeline exposures,
19 trip ticket program update, information on seafood safety, NOAA
20 fishery bulletins that affect each fishery, and training
21 opportunities.

22 Of course, you can always get a review of our
23 openings and closings at the 24 hour shrimp information hot
24 line, 1-866-WE-TRAWL.

25 And with that, I'd like to request authorization

26

1 The first one is for Atlantic spadefish,
2 Chaetodipterus faber. The old record was 8 pounds 1 ounce.
3 The new record would be 8 pounds 3.2 ounces caught by Mr. Mark
4 Alan Ros, Jr. There's the spadefish and Mr. Ros.

5 MR. DRUMMOND: What happened to its spots?

6 MR. PORCHE: They tend to fade as they age.

7 The second is for spotted seatrout, Cynoscion
8 nebulosus. Old record of 10 pounds 7.66 ounces. The new
9 record would be 10 pounds 10 ounces caught by David Floyd.

10 PERSON IN AUDIENCE: Where did he catch him?

11 MR. PORCHE: The closest he would give me is
12 Bayou Casotte.

13 MR. DRUMMOND: Was that Traci's nephew?

14 DR. ASPER: Do we have a motion to approve these
15 records?

16 MR. GOLLOTT: I'd like to make a motion, Mr.
17 Chairman.

18 MR. DRUMMOND: I second the motion, Mr.
19 Chairman.

20 DR. ASPER: Those in favor say aye.
21 Congratulations.

22 MR. PORCHE: Thank you very much.

23 H. Coastal Ecology

24 MR. BOYD: Good morning, Mr. Chairman,
25 commissioners, Director Miller, Ms Chesnut.

28

1 Coastal ecology has two items on the agenda, one
2 action item and one marsh restoration update.

3 Before we get to that, Willa Brantley wants to
4 give you some information on a general permit workshop that
5 we're hosting.

6 MS. BRANTLEY: Good morning. As Jan said, I
7 just wanted to give you all an invitation to come to a workshop
8 that we will be hosting on June 19. It will be here in this
9 meeting room from 10:00 to 2:00, and it's really aimed at our
10 marine contractors and consultants who get permits for people
11 who build boathouses and piers and things like that that
12 qualify for our general permits. The general permits are
13 reissued by the Corps every five years. They were just issued
14 in April, and there have been some significant changes, some
15 for the better, some for a little more restriction, some a
16 little bit less restrictive.

17 So we wanted to put on a workshop to let all of
18 our contractors know what those changes are. And if you are
19 interested, we'll be more than happy to get you signed up. And
20 you can also come to the meeting, not only DMR will be there,
21 but the Corps of Engineers will have a representative, as well
22 as DEQ, to answer any questions that they have about the laws
23 and why the guidelines have changed.

24 So if you have any questions, just let me know.

25 DR. ASPER: Thank you.

1 The violation was presented to the commission on
2 November 20, 2007, and you gave the order of restoration to be
3 completed by February 18, 2008. And again, that area was
4 flagged by staff.

5 This picture is in March of 2008. You can see
6 that the fill material had been removed, the massive amounts of
7 fill that had been placed in the marsh.

8 A bulkhead -- well, actually retaining wall was
9 permitted by the Corps of Engineers and DMR at the wetland
10 upland boundary. You can see the retaining wall being
11 constructed and areas of marsh where the fill material was
12 removed.

13 The area was sprigged with native vegetation in
14 accordance with the marsh restoration guidelines. These are
15 the same guidelines that we use for permitting and mitigation,
16 as well.

17 In 2009, you can see the plants are still in
18 place, growing slowly.

19 The picture in 2010, you can still see that the
20 juncus is in clumps, but the area has filled in with native
21 vegetation.

22 And this is last month, 2013. You can see the
23 marsh area is completely filled back in with native vegetation,
24 not just what was planted, but also natively recruited
25 vegetation.

1 2. Program Status

2 a. Marsh restoration update

3 MS. WITTMANN: Good morning. I'm Jennifer
4 Wittmann. I'll be doing a presentation that's a little out of
5 the ordinary for permitting today. It's not an action item,
6 just wanted to go over our marsh restoration from a previous
7 violation.

8 The violation was located in Ocean Springs on
9 Old Fort Bayou.

10 The violation was reported in 2007 that the
11 property owner had filled tidally influenced marsh. They did
12 put in silt fencing and hay bales, but the marsh fill was
13 significant.

14 These are a couple of pictures from that first
15 site visit. Staff went out and posted a cease and desist on
16 the site.

17 Following that event, the silt fence failed, and
18 the fill material washed further into the tidal marsh.

19 In November of 2007, staff went out to the site
20 and dug holes to determine where the wetland line would be.
21 You can see we dug down several feet and found remnant marsh
22 vegetation that had been covered by the fill material.

23 We came up with this diagram, the entire
24 property, and determined where the extent of the marsh fill was
25 located.

1 This is another picture showing that the marsh
2 area has filled in.

3 This picture is from the same location, so this
4 was in 2007 the violation was reported, 2008 when the fill was
5 being removed, and the bottom is 2013 when the marsh has
6 refilled in.

7 Again, another picture of the overall expanse of
8 the marsh.

9 Restoration and corrective actions.
10 Unauthorized fill material was removed and a retaining wall was
11 installed. The impacted area was sprigged with marsh
12 vegetation. And in accordance with the approved restoration
13 and monitoring plan, the area was monitored by the agent and
14 annual reports were submitted to DMR until the impacted area
15 reached 95 percent cover with native species.

16 The staff has continued to monitor the site.

17 Do you have any questions?

18 DR. ASPER: Thank you for that. That's really
19 encouraging, not only that you're so diligent in monitoring,
20 but also that the restoration is successful. That really is
21 excellent motivation for us to require it in situations like
22 this.

23 MS. BRANTLEY: We worked really closely with the
24 contractor and the agent to be sure that everything was done
25 properly, but it does take a long time. The violation was in

1 2007, so it's a lengthy process. But it does prove that if you
2 follow the guidelines that it is successful.

3 DR. ASPER: The result is excellent. And the
4 alternative would have been pretty ugly. So it's very nice.
5 Thank you.

6 MR. DRUMMOND: Good job.

7 3. Bureau of Wetlands Permitting

8 a. Vice Construction Company, Inc.

9 MR. CHRISTODOULOU: Good morning. I'm Greg
10 Christodoulou. I will be presenting the lone action item for
11 coastal ecology today.

12 It's a permit request by Vice Construction
13 Company located on McInnis Lake in Moss Point, Mississippi.
14 It's in the general use district, and the agent is Louis
15 Fortenberry from Butler Services of Mississippi.

16 Location of the project indicated by the yellow
17 thumb tack here. And just for reference, here's I-10. This is
18 Highway 63. So it's just south of that intersection. Here is
19 Highway 90 and Moss Point.

20 Then a bit of a zoomed in aerial view here in
21 this middle of the lake.

22 The applicant is requesting to establish a barge
23 holding staging area to facilitate movement of materials from
24 barge to rail car.

25 The only impacts associated with this project

1 individuals that own parcels along that area. So we didn't
2 think it would be proper to change the entire area to an I or a
3 C. So the Mississippi Coastal Program allows the use of these
4 special use areas in certain areas. So these areas are
5 basically within a certain wetland use plan, but it doesn't
6 change the whole overall makeup of the plan. In this case, we
7 felt that a special use S-3 area within the existing G use
8 district would be appropriate.

9 And the justification for this adjustment to the
10 use plan comes from Chapter VIII, Section 2, Part I.E.2.b.i.
11 And it has several factors. First is there's no significant
12 environmental impact. The project, as I said earlier, the only
13 impacts associated with it are installation of pilings.
14 There's no dredging involved with this project. The other is
15 that there's no feasible alternative sites in the use
16 designation that are available. So there were no Is and Cs
17 that were immediately adjacent that could have been used unless
18 there was a significant environmental impact for dredging or
19 navigational issues.

20 The general public, as well as governmental
21 entities, were notified of the activity.

22 The project was put on public notice. And the
23 other agencies who need to permit the project have been
24 notified.

25 There are no significant conflicts with

1 are the installation of 11 30-inch diameter mooring pilings,
2 and they're going to be spaced approximately 40 feet apart.

3 A diagram of the project indicating the
4 location. The area in its entirety is approximately 400 feet
5 in length, and it's 85 feet in width. The barges that are
6 going to be moored there will be approximately 100 feet in
7 length and 40 feet in width. There will be a maximum of three
8 barges on each side, so no more than six barges there at any
9 one time.

10 The project will increase safety by preventing
11 barges staged in close proximity to the navigation channel.
12 Currently there are barge loading facilities on the Escatawpa
13 River which is a federal navigation channel. So putting too
14 many barges in that area could pose a navigation hazard. It
15 will also reduce the time needed to shuttle barges to the
16 loading facility on the Escatawpa River and will increase the
17 capacity of the materials being moved to and from the loading
18 facility and should have a positive contribution to the local
19 tax base.

20 The project will require an adjustment to the
21 Coastal Wetlands Use Plan. We have done use plans before. The
22 commission has approved them. This is slightly different.
23 We've changed things from G to C and G to I and so forth. The
24 adjacent ownership around this McInnis Lake area is for the
25 most part industrial or commercial, but there are some

1 surrounding uses or public access to the coastal wetlands.

2 The project is located well away from
3 shore, so it should not block any access to anyone's property.

4 And the activity does not adversely affect the
5 public interest in wetlands protection.

6 Similar projects have been approved by the
7 commission, and the project is not expected to set a negative
8 precedent.

9 There will be a temporary increase in turbidity
10 on McInnis Lake around the pile installations area, and there
11 will be increased shading at the area while barges are moored
12 there.

13 There is no other activities that will be at the
14 location aside from the installation of the pilings.

15 There will be increased barge activity in that
16 lake area. There are already barges that utilize that area
17 going to and from some of the plants there. And then there
18 will be increased shading of waterbottoms while the barges are
19 in place.

20 Best management practices will be implemented
21 through the project.

22 There were other sites that were considered,
23 again being too close to the navigation channel and the need
24 for excessive dredging.

25 And even though there is a general use area, the

1 adjacent surrounding land use is for the most part industrial
2 in nature. ABC Recycling, VT Halter, Omega Protein is very
3 close to that area. So 11 mooring pilings and the transient
4 use of the barges shouldn't affect the scenic qualities of the
5 area.

6 The project was placed on public notice to
7 periodicals. No comments were received from the public.

8 DEQ is currently reviewing the project.
9 Archives & History had no comments.
10 Wildlife, Fisheries & Parks had indicated best
11 management practices be implemented.

12 And the Secretary of State's Office has stated
13 that the project will require a tidelands lease for that area.

14 And based on staff's evaluation, we ask that the
15 commission go ahead and grant the special use area within the
16 current general use area and that the project be approved
17 contingent on water quality certification from DEQ.

18 Any questions for me?

19 MR. DRUMMOND: I have a couple of questions.

20 There will be no dredging required when they
21 deploy their equipment?

22 MR. CHRISTODOULOU: No, there won't be any
23 dredging at all. The water depths are enough where the barges
24 can go in there, and they'll be fine. They won't draft but
25 seven or eight feet.

37

1 MR. CHRISTODOULOU: The agent is here. And
2 that's something he may have an answer to.

3 MR. FORTENBERRY: Louis Fortenberry, Butler
4 Services.

5 The client will be moving the barges out to a
6 different area if we were going to get a hurricane. She
7 wouldn't leave them tied up there. It's too much around that
8 that they could get away into and damage. So, I mean, he'll
9 respond to that.

10 Any more questions?

11 MR. BOSARGE: I think the chief has something he
12 wants to say.

13 MR. CHATAGNIER: Who's going to be responsible
14 for lighting the pilings?

15 MR. FORTENBERRY: I'm sorry, I didn't
16 understand.

17 MR. CHATAGNIER: Who will be responsible for
18 lighting the pilings so nobody runs into them?

19 MR. CHRISTODOULOU: That's something we would
20 put in the permit that they would have to have some kind of
21 lighting or reflectors on the pilings. That's a standard
22 condition.

23 MR. CHATAGNIER: Put the pilings and if they're
24 not lit, I think we're probably going to be held responsible if
25 somebody hits one of them.

39

1 MR. DRUMMOND: It's a shallow area there.

2 MR. CHRISTODOULOU: Well, the barges already
3 move in and out of there and go to ABC Recycling anyway, and
4 that's probably going to be the principal client that's going
5 to be using the barges to remove scrap to the railroad loading
6 facility to go from barge to rail car.

7 MR. DRUMMOND: What will be on those barges?

8 MR. CHRISTODOULOU: What I've asked from the
9 agent and applicant, it's mostly going to be scrap metal that's
10 coming from ABC Recycling to rail car, and then it's going to
11 be steel from the new mill located in Mobile County that's
12 going to be coming the other way.

13 MR. DRUMMOND: This is going to require a
14 tidelands lease?

15 MR. CHRISTODOULOU: It will require a lease.

16 MR. DRUMMOND: Do you have any input as to what
17 that lease is going to amount to?

18 MR. CHRISTODOULOU: No, sir. That's all up to
19 the Secretary of State's Office. That's Secretary of State's
20 Office, yes, sir.

21 MR. DRUMMOND: Thank you.

22 MR. GOLLOTT: Greg, my only concern is what
23 about hurricanes. Will they move these barges? I mean, you're
24 right by the bridge here. If those barges get broke a loose
25 during a storm, it could take that bridge out.

38

1 MR. CHRISTODOULOU: Yeah. That's something that
2 we put in our permits. And in addition, they're going to have
3 to get a permit from the Corps. They will send that to the
4 Coast Guard. So the Coast Guard will have their requirements
5 in there, as well.

6 MR. FORTENBERRY: Other than a safety issue, it
7 would be a liability issue, and I'm sure my client wouldn't
8 want to get sued.

9 MR. CHRISTODOULOU: Also, if you would like us
10 to place that as a condition in the permit, that they move the
11 barges, all barges be removed during the event of a tropical
12 system, we can add that as a condition of the permit.

13 MR. GOLLOTT: That would be a good idea.

14 DR. ASPER: Okay. Do we have a motion?

15 MR. DRUMMOND: I make a motion we accept this
16 permit to drive these pilings, Mr. Chairman.

17 DR. ASPER: And that also to include in your
18 motion would be that the adjustment to the Coastal Wetlands Use
19 Plan and also the requirement that the barges are removed
20 during a tropical disturbance; is that right?

21 MR. DRUMMOND: That's correct.

22 MR. GOLLOTT: Second it, Mr. Chairman.

23 DR. ASPER: Any further discussion? Those in
24 favor say aye. Passes unanimously.

25 Thanks, Greg.

40

1 I believe that completes the coastal ecology.
 2 Moving on to our financial report. Tom.
 3 J. Administrative Services
 4 2. Financial Report
 5 MR. DOSTER: Good morning, commissioners,
 6 Director Miller, Sandy. My name is Tom Doster. I'm the
 7 director of administrative services. I'll be giving the
 8 financial report.
 9 As of April 30, the estimated DMR budget is
 10 \$6,152,176. Our budget remaining as of April 30 is \$117,250.
 11 Our tidelands check for 2013 was \$10,170,743. All those funds
 12 are obligated.

13 Are there any questions?
 14 DR. ASPER: Well, Tom, I want to thank you for
 15 the report. However, as a member of the public, I'm sure that
 16 there are a lot of people who have a lot of questions about
 17 this. I want to make just a few comments about it.

18 First of all, the numbers that Tom is showing
 19 here are not the total funding to the agency. The total
 20 funding to the agency would include federal grants, as well.
 21 This is just state funds.

22 The other thing is that we are undergoing an
 23 audit at this time. We're halfway through it. We hope that by
 24 next month we're going to have a more complete report on
 25 exactly how much money the agency really has, where it is, how

COMMISSION ON MARINE RESOURCES

COURT REPORTER'S CERTIFICATE

6 I, Norma Jean Ladner Soroe, Certified Shorthand
 7 Reporter, do hereby certify that to the best of my skill and
 8 ability I have reported the meeting of the Commission on Marine
 9 Resources and that the foregoing 42 pages constitute a true and
 10 correct transcription of said meeting held on the 21st day of
 11 May 2013.

12 I do further certify that my certificate annexed
 13 hereto applies only to the original and certified transcript.
 14 The undersigned assumes no responsibility for the accuracy of
 15 any reproduced copies not made under my control and direction.

Witness my signature this the 3rd day of June 2013.

NORMA JEAN LADNER SOROE, CSR #1297
 Certified Shorthand Reporter

1 it's been used, how it's been allocated, where we stand
 2 financially.
 3 This is something that really needs to be done.
 4 And several of us talked with Jamie this morning about it, and
 5 this is an ongoing effort that is going to be extremely
 6 beneficial to the agency in terms of getting this information
 7 out to the public. There will be shortly a report that will be
 8 made to the public that will have lots of detail in it and that
 9 we can explain. It's not ready yet. When it is ready, it's
 10 going to be made as public as possible.

11 Anything else from Tom?
 12 MR. DOSTER: Thank you.
 13 DR. ASPER: I believe that brings us to the end
 14 of the agenda. Is there anything else?
 15 Is there a motion to adjourn?
 16 MR. DRUMMOND: So moved.
 17 MR. BOSARGE: Second.
 18 (Meeting adjourned 10:00 a.m.)

