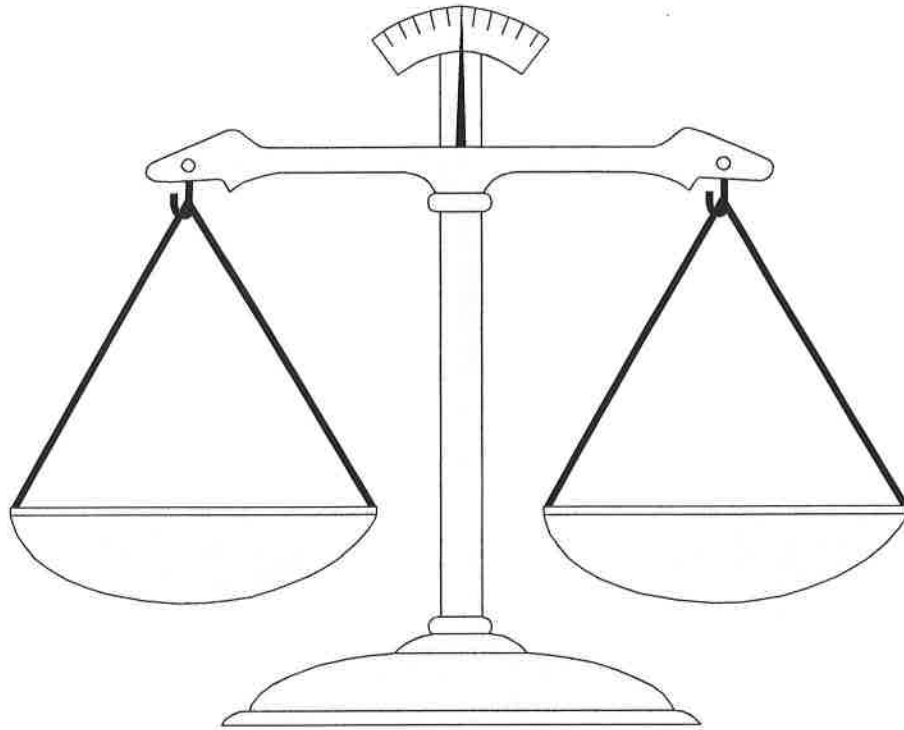


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COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

April 19, 2011

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

1 COMMISSION ON MARINE RESOURCES
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3 MEETING OF COMMISSION ON MARINE RESOURCES
4 April 19, 2011
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7 TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT
8 BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW
9 AVENUE, BILOXI, MISSISSIPPI, ON THE 19TH DAY OF APRIL 2011
10 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER
11 SOROE, CERTIFIED SHORTHAND REPORTER.
12 *****
13
14 COMMISSION MEMBERS PRESENT:
15 DR. VERNON ASPER, Chairman
16 RICHARD GOLLOTT
17 SHELBY DRUMMOND
18 STEVE BOSARGE
19 JIMMY TAYLOR
20
21 ALSO PRESENT:
22 CHIEF WALTER J. CHATAGNIER, Acting Director DMR
23 JOSEPH R. RUNNELS, ESQ., Asst. Attorney General
24 SANDY CHESNUT, ESQ., Asst. Attorney General
25

1 A. Call to Order
2 DR. ASPER: Good morning. I'd like to welcome
3 everybody to the regular April meeting of the Mississippi
4 Commission on Marine Resources. Glad to have so many folks
5 here.
6 We have a couple of distinguished guests. I'm
7 only aware of Senator Gollott. If there is anybody else who's
8 elected official, let us know. Senator Gollott, great to have
9 you here.
10 B. Approval of Minutes Commission Meeting - March 15, 2011 -
11 Action
12 DR. ASPER: We have on our agenda here the
13 approval of the minutes. Are there any changes to the minutes?
14 Is there a motion to approve as distributed?
15 MR. DRUMMOND: So moved.
16 MR. GOLLOTT: Second.
17 DR. ASPER: Those in favor say aye. Carried
18 unanimously.
19 C. Approval of Agenda - Chairman - Action
20 DR. ASPER: We have the agenda. I have one
21 concern here, one change we want to make. One individual needs
22 to leave early but wants to hear Item H-3(d,) so I'd like to
23 move that up to the agenda location before marine fisheries.
24 I'd like to recommend that change.
25 Are there any other changes to the agenda?

1 Is there a motion to approve as amended?
2 MR. GOLLOTT: So moved.
3 DR. ASPER: Is there a second?
4 MR. BOSARGE: So second.
5 DR. ASPER: Those in favor say aye.
6 D. Public Comments
7 DR. ASPER: And before we get to public
8 comments, Senator Gollott has asked to have a few minutes of
9 our time. I'd like to welcome him to our meeting.
10 (Applause.)
11 SENATOR GOLLOTT: Gentlemen, I want to thank the
12 DMR and the many, many things, the letter that y'all sent to
13 the City Council about the Katrina reef.
14 If it wouldn't have been for y'all's assistance
15 and the Businessmen's Club and the different organizations that
16 got involved in this, we would not be moving that concrete out
17 to the Katrina reef.
18 We want to also thank the coast delegation.
19 They got involved in this, and they were unanimous about
20 putting the money together and giving the money to y'all to
21 move the concrete out to the Katrina reef.
22 And they said -- the City Council said that we
23 had to make sure that the money was available. Well, I talked
24 to Dr. Walker, and the moneys that we put in y'all's budget,
25 there was \$272,000 that was still left in that budget. So he

1 sent a letter to the City Council and to the mayor that the
2 moneys was available, and that pretty much locked it in where
3 the concrete was going to go out there on the Katrina reef.
4 And during this session, we put the additional
5 money back in y'all's budget, even though y'all had enough to
6 go ahead and do the the Katrina reef, because of the different
7 things that y'all do during the year helping the coastline.
8 And I want to personally thank -- and these
9 different organizations, like the Sierra Club came through.
10 They were pushing this, and the different organizations that's
11 here contacted the council members and the mayor and everyone
12 to let them know we wanted to build that reef. It's going to
13 be one of the greatest reefs in the Continental United States
14 in the northern Gulf of Mexico.
15 And the fishermen are elated over this, what's
16 going to happen, as far as putting that in. And it will
17 protect the island. It will protect the coastline.
18 And there's one other thing that's probably
19 going to happen. And that's between the reef and Deer Island.
20 If y'all put some oysters there and oyster shells, then that
21 will be one of the best reefs that we have down here close to
22 Biloxi because it will knock the wave action off of the island,
23 and it will allow the oysters to grow there.
24 So later on we need to do that after we get the
25 concrete all the way down.

1 But I personally wanted to come this morning and
2 thank y'all for what y'all did and to help to do this and make
3 it possible that it's going to happen. And I want to thank
4 y'all. Thank you.

5 (Applause.)

6 DR. ASPER: Of course, we'd like to thank you,
7 Senator, for all the help you've given us over these many years
8 in so many ways, legislative help, budget help, support in
9 making our programs work. We have just benefited from your
10 care. We appreciate it.

11 Okay. We're also in the section now for public
12 comments. If you have something you would like to bring to our
13 attention, you need to fill out one of these public comment
14 forms and get it to us. And we have three people who have
15 requested permission or requested the opportunity to give us
16 some comments. So we'll take those in the order that we
17 received them.

18 You're limited to five minutes. Please come to
19 the podium and identify yourself and present whatever you have
20 on your mind.

21 Start with Gilbert Ramsey.

22 MR. RAMSEY: I stand before you today to
23 recognize the hospitality state as a whole package.

24 I stand before you today to recognize each
25 professor and each research scientist to accommodate everybody

5

1 throughout this organization.

2 I stand before you today to recognize
3 consolidating to organize economic development for the whole
4 coastal region.

5 I stand before you today to recognize whom I'm
6 involved with. I work for the Magnolia Lyons Incubator,
7 Stennis Space Center.

8 Magnolia Lyons is a system that's being used to
9 find opportunities.

10 I stand before you today with the executive
11 order from Obama. Obama has been recognized as a unique
12 individual himself -- I'm nervous, I apologize -- this day.

13 But yet, I have documentation of Obama being
14 sportsmanship of the year. Okay? Sportsman of the year,
15 Obama, when he was a Senator. Okay?

16 I have an executive order to identify funds
17 available to accompany this venture. Okay?

18 This Obama format that I'm recognizing, I've
19 done a lot of research -- bear with me for a second, I'm
20 nervous as heck.

21 I'm a high performance innovation intensive
22 enterprise which is called a HIPPIE. I was always called a
23 hippie when I was younger, so that's what I am. I create
24 nearly all jobs in America economy, create these jobs at very
25 little cost to the state. I create (inaudible) economic

6

1 garden. Future is defined by the actions you take today.

2 So I'm here to recognize everything because
3 everybody is going to be involved in this opportunity of a
4 lifetime.

5 We have global recognition.

6 I have accommodated various organizations for
7 nonprofit organizations. I have accommodated various locations
8 that accommodate disadvantaged families and wounded warriors
9 and their families.

10 So I'm here to recognize myself as an honored
11 Mississippi citizen.

12 And I want to take my hat off to everybody
13 that's been hurt during this BP cleanup. I went to originally
14 BP about my invention. BP recognized it, but they will not
15 approve it.

16 I have an opportunity to clean all marshlands,
17 all debris, hazard material, everything.

18 I have opportunities like this, pursue with
19 this, and I'm giving you utmost respect y'all deserve, as well
20 as I do.

21 So I came before you today out of respect for
22 everybody within the State of Mississippi.

23 I'm going to accommodate every manufacturer,
24 Aerospace, Lockheed, Eaton, everybody is going to be involved
25 throughout the State of Mississippi.

7

1 The governor was a gamble, he gambled on

2 casinos. The governor gambled on Nissan. The governor gambled
3 on all these organizations. Well, let's gamble on us as an
4 organized committee.

5 Thank you.

6 DR. ASPER: Okay. Thank you.

7 Next we have F.J.

8 MR. EICKE: Could I reserve mine to G-5?

9 DR. ASPER: Okay. We can do that.

10 And George, you want to wait until the oyster
11 issue comes up; right?

12 MR. STORRS: Yes.

13 DR. ASPER: Anybody else filled one out that I
14 didn't get?

15 Where did you put it? Did you fill out one of
16 these? Just fill out one of these. You're supposed to fill
17 out one of these.

18 Okay. Five minutes, Don. I know it's a new
19 rule.

20 MR. JOOST: Don Joost with Bayou Cadet.

21 DR. ASPER: Go ahead and fill one out, Catfish,
22 just so we have it on record. And Don, if you could fill one
23 out later, I'd appreciate it.

24 MR. JOOST: I didn't know.

25 But I'm here to take Frankie's place for the

8

1 Mississippi Gulf Coast Fishermen's Organization.
2 And first off, we were definitely backing the
3 department on the trip tickets. We think that that's something
4 that's time has come.

5 Secondly, we would like to have seen the
6 moratorium stand on the oyster licenses. We're developing a
7 class of people who buy licenses just to participate in the
8 programs where there's a disaster.

9 And third, we would like to back up Commissioner
10 Bosarge on the board law, what your ideas are on that, on the
11 eight foot boards.

12 Thank you.

13 MR. BOSARGE: I didn't quite understand you,
14 Don. I'm sorry.

15 MR. JOOST: We're behind you -- we back the
16 eight foot board law, with looking at it again.

17 We back it up.

18 MR. BOSARGE: Okay. I didn't understand you.

19 MR. JOOST: Thank you.

20 MR. MILLER: How y'all doing today? My name is
21 James A. Miller, a.k. Catfish, D'Iberville resident.

22 Really who I was here to truly speak to was Dr.
23 Walker, but he ain't up on this board today.

24 I got some serious issues to talk to him about
25 about our DEQ and stuff. I think we're overlooking what's

9

1 happening out here with our waters being as toxic as they still
2 are. I feel I'm still sick every day. I been sick all
3 morning. That's why I'm late. In and out of the hospital
4 still poisoned from the dispersants.

5 And I read the paper this morning and everything
6 is okay out here.

7 There's a lot of questions to be asked to Dr.
8 Walker, you know. And I know no one up here that I want to
9 speak to today but him, and I'm sorry he's not here.

10 And I don't understand about the DEQ out here
11 with their testing. It's terrible. The water quality that we
12 got out here is beyond belief.

13 I hope the seafood we get, we sell to the
14 public, we don't get them sick. It's very disturbing that I
15 got to go out and catch these thousands of pounds and feed the
16 public.

17 Who are we going to blame when I come in and get
18 someone sick? It's going to be me, not y'all.

19 And I'm sorry that I'm up here today pleading my
20 case again about the water quality. I'm very upset. I've been
21 around it here lately. I've been out in it. It's not good.

22 I'm a fisherman. I live on the water.

23 And my man ain't here today who I want to talk
24 to, Dr. Walker. And I'm sorry. The main person on this board.

25 And about the eight foot board law, I'm all for

10

1 it, too, just like our organization is. So I hope y'all look
2 at this board law because it will save a lot of time and effort
3 with different boats switching boards in and out. And you can
4 choose whatever you want to use, the weapon you want to pull
5 out there.

6 So I just want to tell y'all the water quality
7 -- that was all I was up here today about the water out here on
8 the coast. It's very tainted at this point in time in our
9 life. Just like this man stepped aboard about his cleanup
10 project. He's not going to get approved. He's not going to be
11 out there to work. I'll tell him before he ever wastes his
12 breath.

13 I've been sick for nine months. No one has
14 helped me. No one is willing to pay my bills.

15 And the water quality is fine. The air quality
16 is fine. It's wrong.

17 What you're doing to these people out here
18 feeding them this tainted seafood when it comes to the market,
19 you are going to understand. It might not affect us here right
20 now, but it's going to get us.

21 So y'all have a nice day. Mr. Richard Gollott,
22 love you.

23 MR. DRUMMOND: Catfish, can I ask you a
24 question? Did you see Dr. Walker on TV Sunday?

25 MR. MILLER: No, sir, I didn't. I've been sick

11

1 here lately bad, bad sick.

2 MR. DRUMMOND: What I'm trying to say is if you
3 had, he probably could answer some of your questions. So
4 anyway, that's --

5 MR. MILLER: I'm glad you spoke because I know
6 he did because I want to ask about the dead dolphins. Don't
7 that just blow y'all away that we wake up every day and have
8 turtles and dead dolphins on our shorelines?

9 I mean, there's got to be something wrong. We
10 don't have blinders on, people. I wake up every day, and I put
11 my pants on and shoes on just like y'all do, and no
12 differently. And I eat breakfast just like you and drink a
13 little cup of iced tea or whatever, coffee. I'm no different
14 than you.

15 Now, you can't let your tainted mind believe
16 that there's nothing wrong out here because the state pays you
17 or the government pays you. I mean, come on, man. I worked
18 out here. No one pays me but myself when I drag my nets, no
19 one.

20 And it's sad that our board members -- in
21 Louisiana, their board members, they recognize there's a
22 problem over there. Why ain't we recognizing there's a problem
23 on our coastline? Alabama is recognizing there's a problem
24 there. Florida, too. Why Mississippi? Why can we can't see
25 what's wrong with our waters out here? Is it that \$30 million

12

1 again that BP is going to give us?

2 They ain't give me a penny in nine months. I
3 worked for the VOO program. That's the only money I received
4 from them people. And the government got half of it, 41
5 percent, last a little longer.

6 I'm up here today because I care. I got 20 more
7 years, Mr. Richard Gollott. See, that thing you told me you
8 don't care, 20 years, that stuck in my brain for, wow, I wake
9 up every day and wonder why you don't care in 20 years.

10 I do care now. I can't worry about 20 years
11 from now. I got to feed my family now. You're a millionaire.
12 You've been in the business all your life, you know. You're a
13 smart tycoon. I know how you are. I've been around you all my
14 life. You're not a dumb person.

15 But there's a lot of issues out here about our
16 fishermen. Feinberg ain't took care of us. There ain't a damn
17 fisherman in here that said that Feinberg took care of them.
18 And if they are, they're lying. We all had to go get
19 attorneys.

20 We need help. We need people like you on our
21 board to back our backs and have our back. That's what we
22 elect you up there for is to see that we get a fair shake on
23 the pole because we have no one but y'all.

24 You know, fishermen, we just low educated
25 people. That's why you are on there, to help us out, lead us

13

1 in the right direction. You know, just like Alabama's got 500
2 license. Mississippi people got 150. That's not right, y'all.
3 That is not right for our oyster reefs. They're killing our
4 oyster reefs. They're overutilating (sic) our oyster reefs.

5 DR. ASPER: I believe your time is up.

6 MR. MILLER: I know it is. God bless y'all.

7 DR. ASPER: We appreciate your comments. I can
8 assure you that we are seeking the truth. We are looking at
9 everything we possibly can.

10 Thank you very much.

11 MR. MILLER: Listen. You can't hide the truth.
12 You can continue telling us what you want with the messages on
13 the TV, the radio, but eyes and ears and throats, we see the
14 truth.

15 DR. ASPER: Okay. Thank you.

16 MR. MILLER: And God bless y'all. I wasn't here
17 to beat y'all up. I want to talk to Dr. Walker because that's
18 who I really want to speak to, and that's my issue is with him,
19 you know. And I hope y'all understand about taking us and
20 putting us on that pole and being a part of y'all and shaking
21 us and getting something good for us because we've been beat up
22 long enough from y'all.

23 DR. ASPER: All right. Thanks, Catfish.

24 MR. RAMSEY: I'd like to recognize about
25 something, sir. One more thing.

14

1 DR. ASPER: Come to the podium again. You have
2 30 seconds.

3 MR. RAMSEY: Good morning once again. My name
4 is Gilbert Ramsey. The initiative this man has taken, I'm
5 honoring him. Okay? Just for the facts what he's distributed
6 amongst us. Okay?

7 BP has come to him. Mr. Vernon himself, he
8 knows. Sunday morning I noticed him on TV. He recognized
9 something what BP is doing, \$500 million. He's on computer
10 three times a day to identify how much money is out there from
11 BP coming to us. Okay. If he's on that computer three times a
12 day, why can't he go on that computer three times a day to
13 represent all of us?

14 DR. ASPER: Moving on to -- is there any other
15 public comments? You have to fill out a form. It's the rule.

16 MR. SKINNER: I know it is, and I'm going to
17 fill one out.

18 DR. ASPER: We'll let you go this time. After
19 this, we're going to really cut down on this. You've got five
20 minutes. Go ahead.

21 MR. SKINNER: My name is Manuel Skinner. I'm a
22 commercial fisherman, oysters.

23 I want to personally thank Scott and Mr. Tommy
24 Gollott for getting behind this reef here behind Deer Island,
25 something that I brought up probably last April.

15

1 And I was -- most of the questions I got to ask
2 I believe Scott is going to answer.

3 And I wanted to know why the daily hour went
4 from four o'clock to twelve o'clock on the tonging reef.

5 And are we going to transplant some oysters back
6 down to the Pass or in some other area this fall so that when
7 we run out of oysters like we did last year that we will have
8 places that we can go to that's been confined to a restricted
9 area and we can go in there and catch those oysters?

10 Thank you very much.

11 DR. ASPER: All right. Thank you.

12 E. Executive Director's Report

13 DR. ASPER: Moving on to Item E now, executive
14 director's report. Is there a report?

15 MR. CHATAGNIER: I'm sitting in for Dr. Walker
16 this morning. And the only thing he'd like to mention is for
17 the commissioners, the Coastal Development Strategy Conference
18 is going to be held May 11 through 12, and it should be in your
19 packet, the report on that.

20 That's the only thing on the executive
21 director's report.

22 DR. ASPER: Okay. What about the marine patrol?

23 F. Marine Patrol Report

24 MR. PITTMANN: Good morning, Mr. Chairman,
25 commissioners, Chief Chatagnier, Sandy.

16

1 You have the report in front of you.
2 Couple of things I want to mention. If you look
3 over on Page 3, we had one boat and water safety class where we
4 certified 25 students.

5 We had a boating accident without injuries in
6 March.

7 We did have a fatality in March. This was from
8 an individual that was working off his boat on a pier. The
9 coroner thinks he had a seizure, fell overboard, and drowned.
10 Our dive team responded and recovered the victim.

11 On special events, we had three. We also had
12 three presentations of outreach program.

13 JEA totals, we had 50 patrols, 1,029 man hours,
14 392 contacts, one EAR, and five state citations issued.

15 Any questions?

16 DR. ASPER: Okay. Thank you.

17 MR. MILLER: Yes, sir. I got a question.

18 DR. ASPER: Can you ask him that just personally
19 like at the break?

20 MR. MILLER: No, really, this is a big concern.

21 DR. ASPER: Okay. We're going to move on to
22 Item H-3(b) which is coastal ecology.

23 H. Coastal Ecology

24 b. W.C. Fore

25 MS. BRANTLEY: Good morning. If you give me

17

1 subdivision, the property owners, would have access through
2 this L-shaped area right here.

3 In April of 2005, a permit was approved by the
4 commission which allowed 7400 cubic yards of material to be
5 dredged.

6 In February of 2006, that permit was modified to
7 allow the 2,440 cubic yards.

8 On March 21 of this year, we received a request
9 to extend that project to expire the same date as the Corps of
10 Engineers permit.

11 And we do recommend extension of DMR-050567
12 until March 19, 2012.

13 Are there any questions?

14 MR. TAYLOR: I make a motion, Mr. Chairman, that
15 we follow the staff recommendation.

16 DR. ASPER: Is there a second?

17 MR. BOSARGE: I'll second that.

18 DR. ASPER: Any further discussion? Those in
19 favor say aye. Carried unanimously. Thank you, Willa.

20 MS. BRANTLEY: Thank you.

21 DR. ASPER: Let's get back on the agenda then
22 and go on to marine fisheries.

23 G. Marine Fisheries

24 MR. DIAZ: Good morning, Commissioner Asper,
25 commissioners, Chief Chatagnier, Ms. Chesnut, Senator Gollott.

19

1 just a minute, I have to skip through our Power Point a little
2 bit.

3 My name is Willa Brantley. I'm standing in for
4 Greg Christodoulou who is on your agenda, but he was unable to
5 be here this morning.

6 This is a request for a permit extension by W.C.
7 Fore. It's located on Goose Pointe subdivision on the Back Bay
8 of Biloxi in Biloxi. It's a general use district, and Art
9 Posey is the agent for the applicant.

10 Here you see the project location. The yellow
11 thumbtack, this is the Goose Pointe subdivision. And then
12 we're concerned with dredging out from the subdivision.

13 The applicant is requesting an extension so that
14 the permit will expire on March 19, 2012, which will coincide
15 with the expiration of the Corps of Engineers permit.

16 The dredging is approximately 2,440 cubic yards.
17 Part of that will be dredged down to four feet below mean low
18 water, and part will be down to eight feet below mean low water
19 in two different channels.

20 This is a diagram. This is the area that will
21 go down to eight feet, and then this is the area that will go
22 down to four feet. This line here is the edge of the federal
23 navigation channel. There's a natural canal that comes out
24 here so that they're hoping that that would keep this area
25 open. And then all of the members of the Goose Pointe

18

1 I'd also like to thank Senator Gollott for his
2 help in securing the concrete for Katrina Key and for his
3 tireless support for our marine resources. Thank you, Senator.
4 We appreciate you being in our corner helping us.

5 Before I get into the agenda, I do want to give
6 you a quick update on our seafood safety sampling.

7 Over the course of the last year, we have been
8 sampling shrimp, finfish, crabs, and oysters for polycyclic
9 aromatic hydrocarbons. Those are the hydrocarbons that can
10 cause problems for human health.

11 To date, we've taken 357 samples. We have 32
12 samples pending. All of the samples that we have results on so
13 far have come back low levels of concern. Most of the samples
14 have come back nondetect for hydrocarbons. Almost 80 percent
15 of the samples have come back nondetect.

16 We do this sampling in coordination with
17 Mississippi Department of Environmental Quality and our
18 Mississippi State Chemistry Lab.

19 We are currently sampling about 20 samples a
20 month for shrimp, finfish, crabs, and oysters. And we plan to
21 continue this sampling effort for an extended period of time.
22 So just a quick update on that.

23 First up for marine fisheries is we have final
24 adoption for Title 22 Part 1, and Bradley Randall from the
25 shellfish program is going to present that.

20

1 3. Title 22 Part 1
2 MR. RANDALL: Good morning, commissioners, Ms.
3 Chesnut, Chief Tiny.

4 As you recall, last month during a -- during
5 last month at the commission meeting, we had final adoption for
6 this rule, Title 22 Part 1 rules and regulations for shellfish
7 harvesting, Chapter 19 on bottom shellfish leasing regulations,
8 Section 105.

9 And there was just a discrepancy between what
10 the state statute said. The state statute said \$5 per acre
11 minimum bid. And the other one said \$1 an acre.

12 And so the notice of intent was passed on March
13 15, 2011.

14 We put in the public notice from the Sun Herald
15 on March 22 and on April 6. We sent out a DMR mass media
16 release for public comment. And this is what it said, and
17 you've got that in your package.

18 Public comment period was from March 15 through
19 April 10. We've had no public comments as of April 10, 2011.

20 So our staff recommendation is a motion for
21 final adoption of the proposed rule.

22 DR. ASPER: Any questions? Is there a motion?

23 MR. BOSARGE: I make a motion we accept the
24 staff recommendations.

25 DR. ASPER: Is there a second?

21

1 MR. DRUMMOND: I second the motion.

2 DR. ASPER: Further discussion? All those in
3 favor say aye. Carries unanimously. Thank you.

4 MR. RANDALL: Thank you very much.

5 MR. DIAZ: Thank you, Bradley.

6 Next up from marine fisheries is we have final
7 adoption for the trawl door regulation, and Bill Richardson is
8 going to present that.

9 4. Title 22 Part 7

10 MR. RICHARDSON: Good morning, commissioners,
11 Chief, Ms. Chesnut.

12 This is Title 22 Part 2 dealing with the shrimp
13 door size regulations.

14 We did pass a notice of intent last month.

15 And what we expect to be doing is raising the
16 door size regulation, the maximum door size from 6-34s to
17 8-43s.

18 We put it out for public comment. We've had
19 three comments against verbally at commission meetings, and
20 then we have five for. It was also endorsed by Gulf Coast --
21 that should say Commercial Fishermen's Association. That's my
22 mistake.

23 It was in the paper as a legal notice and in the
24 public notice. We did a news release. And it was also on our
25 web page.

22

1 Those were the only comments we have are verbal
2 comments at the commission meetings.

3 So with that, we'll go for a motion for final
4 adoption.

5 MR. BOSARGE: One request, Bill. Could we --
6 we'll make a motion or I'll make a motion to approve it, but I
7 would like to revisit it again say March, at our meeting in
8 March, where we can see what the results were and if we need to
9 make any changes or tweak it, we can at least have the motion.

10 MR. RICHARDSON: Y'all are the boss.

11 MR. BOSARGE: I make a motion we adopt the
12 proposed rule but that we revisit this again or at least give
13 us a report at the March meeting of next year.

14 MR. TAYLOR: Second.

15 DR. ASPER: Any further discussion?

16 MR. DRUMMOND: Why did we go from a six foot to
17 an eight foot?

18 MR. RICHARDSON: Well, right now Louisiana has
19 that, as well. They've gone up to an 8 by 43. And it just
20 relieves a little burden on our fishermen that work over in
21 Louisiana and Mississippi. They have to switch doors when they
22 cross the line. This would allow them to just only have to
23 purchase one set of doors and not have to switch gears just
24 from crossing from Mississippi to Louisiana.

25 MR. DRUMMOND: Are our fishermen willing to buy

23

1 a larger door?

2 MR. RICHARDSON: I think most of them already
3 have the larger doors. Most of our fishermen do work both
4 states. And so right now they've got two sets. They just got
5 to go through switching them over. This would allow them to
6 just use one in both areas. Kind of make it consistent. And
7 Alabama has no door regulation, so this would be consistent
8 across all three.

9 DR. ASPER: Just to make it clear, this does not
10 require a larger door. It's still legal to pull the smaller
11 doors.

12 MR. RICHARDSON: Correct. This is just allowing
13 them to if they choose to.

14 MR. DRUMMOND: Thank you.

15 DR. ASPER: Further discussion? Motion is made
16 and seconded. Those in favor say aye. Carries unanimously.

17 MR. DIAZ: Thank you, Bill.

18 Next up for marine fisheries is going to be
19 Title 22 Part 7, notice of intent, and Matt Hill is going to do
20 this agenda item for us.

21 I just want to make a comment before he starts.
22 This is basically about adjusting the commercial quotas because
23 this time, this particular year, there's going to be a 15 month
24 season for this, and there were some requests that come through
25 from commercial fishermen, and we did not make an allowance for

24

1 the extra three months that they have to fish. And this is put
2 on the agenda basically because some fishermen had asked us to
3 look into this and to see if we could do something to rectify
4 the situation.

5 5. Title 22 Part 7

6 MR. HILL: Good morning, commissioners, Tiny,
7 Sandy. My name is Matt Hill.

8 Just a quick update on where we stand right now.
9 Currently, the quota is 74,000 pounds for flounder, and we are
10 at 8400 pounds, which leaves approximately 90 percent of the
11 quota left for the year.

12 Redfish, the quota is 35,000 pounds. We are --
13 we have harvested 28,800 pounds, which leaves approximately 18
14 percent for the rest of the quota year.

15 And for speckled trout, it is 40,000 pounds, and
16 we have harvested 33,000 pounds so far, which leaves
17 approximately 17 percent for the rest of the quota year.

18 And currently, a quota year would end on
19 December 31 which leaves us eight more months.

20 Here is what we were proposing to do. From and
21 after January 1, 2012, the annual total allowable catch per
22 commercial landings of flounder will be set at 74,000 pounds.

23 The 2012 commercial fishing season for landing
24 flounders shall commence from January 1, 2012, and end December
25 1, 2012. Thereafter, the TAC shall commence on January 1 and
25

1 end on December 31 of each subsequent year.

2 The commercial fishing season for the current
3 season which will be 15 months long will run from October 1,
4 2010, to December 31, 2011, and the TAC will be set at 92,500
5 pounds.

6 I'm not going to read through it all. This is
7 for the flounder.

8 Here is the one, this is for red drum. We are
9 proposing to raise it to 43,750, which is a 25 percent increase
10 to take care of the 25 percent increase in the amount of time.
11 Three months is 25 percent of the year.

12 We're proposing to raise the red drum to 43,750,
13 and we're proposing to raise the spotted seatrout from 40,000
14 pounds to 50,000 pounds just for this current year.

15 If we raise these figures, the flounder will not
16 be a problem, which it would not have been to begin with. But
17 that would be 91 percent of the quota left to catch for eight
18 months.

19 Redfish would leave 33 percent of the quota for
20 eight months.

21 And speckled trout will leave 33 percent of the
22 quota for eight months.

23 And more than likely if we do not do this, the
24 speckled trout season will close sometime in June and the
25 redfish season will close sometime in September.

26

1 So after further consideration, it was
2 determined that it made sense to adjust the length of the
3 season, the current 15 month season, the 12 month season will
4 add 25 percent to the quota for just this 2010-2011 season.
5 And beginning January 1, 2012, the seasons will revert back to
6 12 months in length and TAC will return to the more familiar
7 limits.

8 Any questions?

9 MR. GOLLOTT: Matt, if we add this, can you give
10 us a projected say for spotted seatrout when would they catch
11 based on the -- what they've been catching, when would it
12 close?

13 MR. DIAZ: I had looked at that, Commissioner
14 Gollott. And it looks to me like if we were to add it, and we
15 did averages, somewhere around the October or November time
16 frame is when the estimates I come up with it would likely
17 close for spotted seatrout.

18 MR. GOLLOTT: Thank you.

19 MR. EICKE: My name is F.J. Eicke. I represent
20 the Coastal Conservation Association.

21 When this provision passed last month, I sat
22 back there and thought this isn't fair. And I wasn't thinking
23 about us; I was thinking about the commercial fishermen.

24 And 25 percent increase absolutely makes sense,
25 and reversion back to the yearly quota that's set in this
27

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1 provision is completely acceptable to us.

2 So I would mention however that the overall --
3 the way that we are going about this in terms of licenses with
4 complaints that I hear about people holding both commercial and
5 recreational licenses, about the number of licenses that have
6 increased over the years that are obviously putting pressure on
7 the quota for the commercial fishermen, whether there should be
8 mean steps in terms of who fishes and who does not on licenses
9 of this type are all questions that really need to be
10 addressed.

11 And not so much from a recreational standpoint,
12 although we would like to be obviously part of the discussion,
13 but because some of our members quite frankly and other
14 recreational fishermen are likely to be suspect in terms of
15 what's happening in this fishery as a whole.

16 It's a crime. Last year when the season ended
17 early, we presented to you a statement from CCA that
18 essentially addressed this in terms of our concern. Because
19 our concern quite frankly is if the season keeps closing,
20 there's going to be more and more pressure for an additional
21 quota, and there are other questions that need to be asked
22 before we raise or (inaudible) people with a quota for any of
23 these species that are regulated.

24 So it's a big issue. And I think the CMR and
25 the DMR should take a long hard look at what's happening. Dale

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1 was saying you're projected now to be into October. You've
2 still got two months or so where the season can be closed. And
3 we recognize that this is an issue that affects tourism because
4 our restaurants rely on these species, in particular speckled
5 trout and flounder, to supply local seafood needs.

6 So it's a big issue. And I think it needs to
7 have a very serious look at what's happening so that those
8 fishermen that are truly commercial fishermen trying to make a
9 living doing so or an aspect of their living since many of them
10 I understand are involved in more than one fishery, they need
11 to be recognized. And however we do that, I think the
12 fishermen's group perhaps can be a primary focus on that. But
13 we need to be involved, as well.

14 I don't have any other comments about that. I'd
15 like to make an additional comment about something unrelated to
16 this if there's no questions that I need to address.

17 And I thank Commissioner Gollott for both
18 advising me prior to the introduction of the original
19 resolution and my comments to him which is obviously included
20 without question in the current resolution that's before you.

21 Can I have another minute?

22 DR. ASPER: Sure.

23 MR. EICKE: The recreational fishing community
24 obviously was in favor of the Katrina Reef. That's a
25 non-issue.

29

1 We actually assumed that that was not an issue,
2 and then boom, there it was through the City of Biloxi
3 provision in terms of how they went about contracting.

4 I would note to you that we have been in
5 Mississippi blessed I think with the reef program that is going
6 on in this state. Other states such as Alabama and Louisiana
7 and Texas and others have had to do reef work far different
8 from what we have done.

9 And I would commend the DMR and particularly
10 Kerwin Cuevas for the work he's done in augmenting the reefs
11 and even redoing the reefs that previously existed.

12 We're, as I said, I think we're truly blessed.
13 I heard the story just Sunday about fish being caught at
14 Katrina Reef that were fairly substantial and by a person that
15 if I named him y'all would recognize. But actually broke the
16 string because it was too heavy, and it was speckled trout
17 coming from Katrina Reef.

18 But CCA has been involved over the years in
19 trying to foster habitat development in many states, and that
20 includes, in our case, states like Washington and Oregon which
21 are now members of the -- state members of CCA. And all up and
22 down the Atlantic coast, as well as the Gulf. So we have
23 actually started an initiative. Y'all are familiar with our
24 nice little redfish, it says CCA's habitat initiative building
25 conservation, and there is currently a major project in

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1 Louisiana involving some funding from Shell Oil to essentially
2 reestablish an island that no longer exists in the -- I think
3 it's in Barataria Bay.

4 But at any rate, to note to you simply that we
5 are totally in support of not only the development of the
6 Katrina Reef, but reefs in general, because we just don't have
7 the habitat to put us in the position such that would be in
8 Louisiana and other states, and we commend the DMR and the
9 commission and everybody that's involved in it, including our
10 legislative group, because Jailhouse Reef, for example, would
11 not exist apparently without the influence that Representative
12 Taylor exerted on that particular project.

13 Thank you very much.

14 MR. TAYLOR: Mr. Eicke, I want to thank you for
15 your comments.

16 But there is another organization that --

17 MR. EICKE: Jimmy, I forgot to mention them.
18 You're absolutely right. The Mississippi Gulf Fishing Banks is
19 obviously a major --

20 MR. TAYLOR: That's the partner with them on
21 whatever you want to do because they work tremendously with the
22 DMR. It's been a quasi-government deal, and it's been one of
23 the best partnerships I've seen because I know what it costs to
24 put reefs down. I was vice-president of that organization.
25 And if you look at what other states spend for putting a ship

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1 down, concrete, it will baffle you. Sometimes it's five to ten
2 times as much.

3 So, you know, if you're going to do something, I
4 would suggest really working through it with them, because they
5 hold most of the permits.

6 MR. EICKE: This is a new thing for us. And, in
7 fact, on my notes it says Mississippi Gulf Fishing Banks, and I
8 just did not reference it. But that's obvious. And thank you
9 very much.

10 MR. BOSARGE: Mr. Eicke, I appreciate you
11 recognizing that commercial fishermen do serve a purpose, and
12 that is to feed the public, feed the restaurants.

13 And when you were talking about dual license and
14 trying to get a hold on who catches what, it brings us back to
15 the trip ticket system that needs to be in place.

16 And if we could, I would like to propose a
17 motion, and I'd like to read for everybody --

18 MR. EICKE: You're going beyond me right now.

19 MR. DIAZ: If I can maybe slow things down just
20 a second.

21 The issue that Matt presented, that would
22 require commission action to take that out for notice of
23 intent.

24 MR. GOLLOTT: Mr. Chairman, I'd like to make a
25 motion that we accept the staff's recommendation on this.

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1 DR. ASPER: This is the issue at hand here.
2 Let's get that taken care of, then we'll move on to those other
3 things.

4 Is there a second to that motion?

5 MR. TAYLOR: Second.

6 DR. ASPER: Further discussion? Those in favor
7 say aye. Carries unanimously. Thank you.

8 And now we can move on to considering these
9 other issues.

10 Is this a good time, Dale, for this?

11 MR. DIAZ: Yeah, this is fine. That agenda item
12 is taken care of. Thank you.

13 MR. BOSARGE: Mr. Chairman, recent events have
14 demonstrated the need for the implementation of commercial trip
15 ticket program for Mississippi fishery. The enactment of a
16 commercial trip ticket program will provide the commission and
17 the department valuable information on the commercial fishing
18 effort in the state and adjacent waters. This information will
19 be used to make more informed decisions on the management of
20 the various commercial species. This same information would
21 also aid true commercial fishermen in documenting their losses
22 in the aftermath of disasters such as Hurricane Katrina and the
23 BP DEEPWATER HORIZON oil spill. Commercial oyster harvesters
24 long accustomed to trip tickets have little problem in
25 documenting their losses. Similarly, live bait and menhaden

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1 industry already submit information that reflects most of their
2 effort. Crab, finfish, and shrimp harvesters could also
3 benefit from gathering information from a trip ticket system,
4 such a system that may also help identify individuals who are
5 active commercial fishermen and those that only dabble in the
6 occupation. For these reasons, I make the following motion:

7 And I think we've got it up on the board. The
8 only changes to that would be the time frame where -- I'll read
9 through it.

10 The commission directs the staff of the MDMR to
11 develop a trip ticket plan for every commercial fishery that
12 captures trip and effort data at trip level with resolution for
13 primary gear and area fished.

14 The staff shall submit the trip ticket plan for
15 the commercial crab fishery at or before the August -- instead
16 of June meeting -- 2011 meeting of the commission for review
17 and final approval, adoption, and implementation.

18 And then the staff shall submit the trip ticket
19 plan for the commercial finfish fishery at or before the
20 October 2011 meeting of the commission for review and upon
21 approval, adoption, and implementation.

22 And then the staff shall submit the trip ticket
23 plan for the commercial shrimp fishery at or before the
24 December 2011 meeting of the commission for review and upon
25 approval adoption and implementation.

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1 And that, Mr. Chairman, is my motion.

2 DR. ASPER: Is there a second to the motion?

3 MR. TAYLOR: Can I ask a question?

4 DR. ASPER: Certainly.

5 MR. TAYLOR: On some of these, like in the
6 shrimp industry, are we getting the data somewhere else, some
7 of the data? Because if you're getting the data, I don't see
8 what a trip ticket would do if you're getting the data.

9 I have a problem with the people selling shrimp
10 -- not a problem with them -- there are a lot of them selling
11 shrimp at the Biloxi commercial harbor, but we don't know what
12 -- I don't know what percentage of -- but if we're getting the
13 data on -- and I'm just going to pull shrimp or speckled trout
14 or whatever, I don't think -- I think you're wasting time and
15 money. That's my point.

16 MR. BOSARGE: Dale can probably answer it. But
17 that data is not recorded. Anything coming across the dock
18 that's sold directly by the fishermen is lost.

19 And also, you've got to understand, we're the
20 last state within the Gulf of Mexico to implement a trip ticket
21 system.

22 MR. GOLLOTT: Mr. Chairman, just a point of
23 order. Did we amend the agenda to take care of this?

24 DR. ASPER: This is not something -- we can ask
25 our counsel about this -- but this is something we're directing

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1 the staff to investigate. This is not something that's going
2 out for public comment at this point. So I think it's okay to
3 insert something like this into the agenda. We're still giving
4 the public ample notice because the plans would not be brought
5 to us for consideration for another couple of months. And even
6 then, it would only go out for public comment.

7 So I think we are okay. This is actually giving
8 the public more forewarning or notice than we would normally
9 give. So I think we're okay there.

10 MR. GOLLOTT: Can I make a statement?

11 And I've said this before, but I'll repeat it.

12 The shrimp docks in Mississippi, the DMR sends a
13 person around that collects the data. They actually give them
14 the best data that they can possibly get, which is invoices,
15 money invoices, weight, all of that.

16 I am opposed to putting any more regulation on
17 our commercial shrimp industry.

18 I'm opposed to trip tickets, but if you're going
19 to do it, do it on the people that's peddling them off the back
20 of their boats. And you don't have any data, I suspect, it's
21 not going to be that great an impact. So I think it's a waste
22 of time. But I just wanted to make that comment.

23 DR. ASPER: I'm still waiting on a second to the
24 motion.

25 MR. DIAZ: I was just going to respond to

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1 Commissioner Taylor's question.

2 We do have a port agent that goes around for
3 dealers and processors throughout the state. And we basically
4 get information down to the boat level. And for shrimp, for
5 example, we can get the number of pounds caught, the price
6 paid, down to the boat level. So we do get it to that point.

7 With trip tickets, we would get a little bit
8 more detailed information. We'd get area fished and gear and
9 some other effort information that would be additional
10 information.

11 MR. GOLLOTT: Dale, excuse me. Question for
12 you. Do you know any fisherman that's really going to tell you
13 where they're catching shrimp and how they're catching them?

14 Come on, now.

15 MR. MILLER: Dale, can I speak a second, please?

16 MR. DIAZ: The chairman runs this meeting.

17 DR. ASPER: You'll have plenty of time for
18 comment --

19 MR. MILLER: This is very important, because
20 this is a heated discussion.

21 I want to tell you that --

22 DR. ASPER: I'm sorry. We have a motion on the
23 floor, and it's not been seconded.

24 MR. TAYLOR: I will second it based on the fact
25 that if it comes before the commission and if we're getting the

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1 state, but it's also important for the fisherman. Now he has
2 his receipt of who he is and what he does; whereas, right now
3 we don't have that.

4 DR. ASPER: Is there any further discussion on
5 this motion? Ready to vote?

6 MR. GOLLOTT: This is just strictly to come up
7 with a plan.

8 DR. ASPER: Come up with a plan. That's all.
9 That's correct.

10 MR. TAYLOR: I would assume that y'all would
11 include when you're developing this plan input from the
12 industry, the people that are doing it on both sides of the
13 issue.

14 MR. DIAZ: Most certainly, we'll get public
15 input. We'll make some forms available.

16 DR. ASPER: Those in favor of the motion signify
17 by saying aye. Those opposed. Carries unanimously. So we'll
18 look forward to hearing the plan developed in the stages as per
19 the motion.

20 Move on to Item G-6.

21 6. Update on Live Bait Shrimp

22 MR. DIAZ: Next up on the agenda is an update on
23 live bait shrimp. Darrin Stewart from our shrimp and crab
24 bureau is going to present that for marine fisheries.

25 MR. STEWART: Good morning, Mr. Chairman,

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1 data, if we're getting the data from some other source, I won't
2 vote for the trip ticket if it duplicates what we're already
3 getting. I'm just not going to put any more regulations on
4 anybody. So I'll second the motion as it reads because it does
5 not.

6 DR. ASPER: Just to add my perspective on this,
7 this is simply developing a plan, and this would be directing
8 the staff to come up with something that they think would be
9 really reasonable. And I think once we have a plan, a proposed
10 plan, then we are going to get some comments from the public
11 that are going to be really useful in terms of deciding whether
12 or not to implement it.

13 It looks like the support here to implement a
14 plan like that is going to be moderate at best. So I think it
15 behooves us to investigate this, given the fact that other
16 states have it, and see whether it's something that's going to
17 benefit the state and benefit our ability to regulate these
18 fisheries.

19 MR. BOSARGE: And if you'll notice, Mr.
20 Chairman, I did not ask to put it in place as much as just to
21 develop it, bring it back to us. Let's see if it's something
22 we can work with. And then have a vote on it. This is not the
23 final say-so but it's something that we are behind every other
24 state in this, and the information is something that could be
25 used, and as far as trip ticket system, it's as much for the

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1 commissioners, Tiny, Ms. Chesnut, ladies and gentlemen.

2 As Dale mentioned, and as you requested, I have
3 some information concerning live bait. We've been looking at
4 the rules and regs and state statute that govern and regulate
5 this live bait fishery, as well as the past and present numbers
6 of live bait camps and catcher boats that we've had and some
7 catch data, also.

8 And first of all, this is taken from the state
9 statute, 49-15-64.4, and it reads licensed live bait catcher
10 boats and licensed live bait dealers shall not operate as
11 commercial shrimpers or commercial shrimp dealers or otherwise
12 engage in commercial shrimping operations.

13 Live bait dealers shall only sell or otherwise
14 expose bait shrimp when alive or dead with heads attached
15 solely as bait to recreational fishermen or other licensed live
16 bait dealers as regulated by the commission.

17 Pretty much no live baiters cannot have any
18 interest in the commercial shrimping activity.

19 And this is from Title 22 Part 6 rules and
20 regulations for lived bait shrimping. And it states that the
21 Mississippi Commission on Marine Resources, CMR, views the live
22 bait fisheries as service to the recreational fishermen and
23 tourist industry of Mississippi.

24 The CMR has determined that regulations are
25 necessary to ensure that this service may be performed with

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1 minimal impact on shrimp and fish populations.

2 The CMR has determined in order to protect the
3 valuable shrimp fishery in the State of Mississippi, no more
4 than that amount of bait shrimp necessary to service the
5 recreational fishermen in Mississippi to be harvested from
6 those waters of the state that are closed to commercial
7 shrimping activities except for live bait shrimping.

8 This is a comparison of regulations with live
9 bait dealers and commercial shrimpers. Of course, live bait
10 catcher boat, they are allowed to shrimp 12 months out of the
11 year, where a commercial shrimper must abide by commercial
12 seasons.

13 A live bait catcher boat is allowed to shrimp
14 inside the one-half mile of the shoreline. And commercial may
15 not shrimp within one-half mile of the shoreline.

16 Live bait catcher boats are not allowed to
17 shrimp at night; however, the commercial shrimpers may shrimp
18 at night in legal waters.

19 And live bait dealers may buy and sell between
20 licensed camps. And the commercial shrimpers may not buy from
21 licensed live bait dealers.

22 Live bait dealers cannot sell shrimp for human
23 consumption. Of course, commercial may sell shrimp for human
24 consumption.

25 Also, live bait catcher boats drag times are

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1 limited to 25 minutes. This includes the pickout. And for
2 commercial, there's no limit on drag times as far as otter
3 trawls.

4 And live bait catcher boats, they can only have
5 a maximum of 16 foot trawl and four foot doors. And commercial
6 boats are allowed up to a 50 foot net in the water and trawl
7 doors not to exceed six foot by 34 inches and 48 square inches
8 for camber doors.

9 This is additional regulations, Mississippi
10 Code, CMR Title 22 Part 6. Live bait dealers must apply
11 between January 1 and April 30 and reapply each year, and
12 inspections will be completed annually by Ma 31. However,
13 there is some new legislation that is passed. It will go into
14 effect July 2 of this year which will allow live bait camps or
15 potential live bait dealers to apply for a license any time
16 throughout the year, and they will be inspected not to exceed
17 30 days after they submit their completed application.

18 Live bait dealers cannot sell shrimp for human
19 consumption. Sales are limited, 500 live shrimp per person
20 each day. Dead shrimp must be sold with heads attached in
21 containers holding no more than 16 ounces with a limit of five
22 containers per person each day.

23 And they must report landings and sales monthly
24 to the DMR. These reports are due by the 15th of the following
25 month, and they include the number of customers for each day,

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1 the shrimp caught, and also the sales reported.

2 This is our current camps for the 2010-2011
3 season. You can see we have three camps in Hancock County,
4 five camps in Harrison County, and eight in Jackson County, so
5 we have a total of 16 camps, and also 16 catcher boats.

6 This is a look at some historical information of
7 our camps going back all the way through -- camps and catcher
8 boats going back through '91. And you see, we used to have a
9 lot more, probably averaged about 40 camps and catcher boats
10 all the way to about '01, '02. There was a little steady
11 decline. And then Katrina, of course, decimated the fishery.
12 And it's just starting to creep back a little bit. Of course,
13 we have 16 boats and camps this year.

14 This is a look at the number of live bait, live
15 shrimp caught. And this goes back to '01, '02. And we had a
16 high of I guess in '02-03 of about 5.25 million shrimp, not
17 pounds. And then also '09-10, we had about 3.8 million shrimp,
18 and last year we had about 1.75 million shrimp which equates to
19 about 40,000 pounds.

20 This is a look at some of the bycatch. This is
21 what they recorded as bycatch was sold, of course, and it
22 listed chum in pounds, squid in pounds, and crabs in numbers.
23 This represents less than one percent of the total catch.

24 And I believe that is it. And are there any
25 questions?

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1 MR. GOLLITT: Mr. Stewart, I think the bottom
2 line is are these live boat fishermen -- I mean live bait
3 fishermen hurting the resource with larvae coming in right now?
4 I think that's what the concern is. How much damage are they
5 doing? What is the bycatch, you know?

6 MR. STEWART: Well, that's the bycatch recorded.
7 Certainly, it's not everything, but that's what they sold.
8 There might be a little more. It still is a low, low
9 percentage of the total catch.

10 There is minimal impact. And minimal I say
11 because there's only 16 boats now. In the past we had 40. So
12 we're actually less than half the number of boats, and with the
13 restrictions on them as far as gear size, 16 foot trawl, tow
14 times, you're looking at a 25 minute tow time. That clock
15 starts when the tail of the bag hits the water, and the clock
16 doesn't stop until the net is back on board and everything has
17 been sorted.

18 You're probably on average looking at 10, 11, 12
19 minutes that that net is actually fully deployed in the water.

20 So that's got to decrease stress and decrease
21 the possibility of any incidental catch.

22 MR. GOLLITT: Thank you.

23 DR. ASPER: Do you know if anybody has ever done
24 an economic impact study regarding how much impact there is per
25 shrimp for live bait versus commercial?

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1 MR. STEWART: There has been an impact study.
2 And I don't have those numbers. But it included commercial
3 charter boats. And there was a study done; I'm not sure how
4 specific it got, though.

5 MS. FLOYD: I'm Traci Floyd, shrimp and crab
6 bureau director. Good morning.

7 I just received some information from MSU,
8 Benedict Posadas and his study, so there would be some
9 information in there, and I'll send it out to you.

10 DR. ASPER: Thank you.

11 All right. I'll give you one minute. Please
12 come to the podium and be recognized, one minute.

13 MR. KOPSZYWA: Hi. My name is Mark Kopszywa,
14 commercial fisherman.

15 And the last month's meeting, I requested the
16 commission to open commercial fishing or shrimping inside the
17 intracoastal waterway. And I was denied because of
18 post-larvae. They said that would be a detriment to the
19 resource.

20 And I raised the question, well, how I'm killing
21 the resource. How much of the resource is 16 boats killing
22 where I can't even fish?

23 We're killing little post-larvae stuff that we
24 can't even see and can't even be counted.

25 So, you know, 40,000 pounds of shrimp, they're

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1 that big? What's that weigh when they're that big?

2 DR. ASPER: Okay. Thank you.

3 Go on to G-7, the oyster season.

4 7. Oyster Season Closure Recommendation

5 MR. DIAZ: Thank you, Darrin.

6 Next up is going to be Scott Gordon with
7 recommendation on oyster season closure.

8 MR. GORDON: Good morning, Mr. Chairman,
9 commissioners, Ms. Chesnut, Colonel Chatagnier, ladies and
10 gentlemen.

11 First off, before I get into my presentation, I
12 wanted to invite the commission to attend or view our cultch
13 plant that's kicking off today. We're going to be planting
14 42,000 cubic yards of oyster shells in the western Mississippi
15 Sound. So this is probably going to go on for a month or so.
16 Forty-two thousand cubic yards, that's, I'd say, roughly the
17 equivalent of 100 barge loads.

18 My agenda item right now is closing the
19 2010-2011 Mississippi oyster season. And I would like to
20 remind the chairman that Mr. George Storrs has asked to be
21 recognized following my presentation in order to address the
22 commission on this matter.

23 To date, we have had over 37,000 sacks of
24 oysters harvested over 45,000 trips. That compares to over
25 39,000 sacks over 3,000 trips for all of last season.

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1 We've had relatively few closures this season.

2 And the reef conditions are about what you would expect to see
3 at this time with the amount of harvest effort on these areas.
4 So some areas have been worked hard with some scattered pockets
5 of oysters remaining, and I've received mixed reports on the
6 conditions of reefs by harvesters. Some harvesters are having
7 no difficulty in getting their limit; others are struggling.

8 In order for a tonging area to be successful,
9 the density of legal three inch oysters must be high. I would
10 anticipate next year to have similar harvest efforts and
11 levels.

12 And this has been brought up as a result of our
13 vibrio vulnificus management plan, we have reduced the checkout
14 time this month to 12:30 p.m. and reduced the time to
15 refrigeration to two hours.

16 Some of the harvesters are having difficulty
17 getting their limit in this reduced time period.

18 For the month of May, the checkout time would be
19 further reduced to 10:30 a.m. which may result in difficulty
20 unloading and refrigerating the oysters from all of the boats
21 landing at or near that time.

22 Now, this didn't take effect until May of last
23 year, and so that's where we are first seeing the results of
24 that. We're just in April of this year.

25 And traditionally in Mississippi, oyster season

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1 ends April 30.

2 I don't know if you would like me to do my staff
3 recommendation right now. But the staff recommendation would
4 be for the Mississippi Commission on Marine Resources to close
5 the 2010-2011 Mississippi oyster season at 12:30 p.m. Saturday,
6 April 30, 2011.

7 MR. BOSARGE: Scott, was this brought up at the
8 task force meeting, oyster task force meeting? And how did the
9 task force feel about it?

10 MR. GORDON: It wasn't, you know, just generally
11 discussed there, but it was mentioned.

12 MR. BOSARGE: And so we don't have a feel from
13 the task force on when we do it?

14 MR. GORDON: No. George is on the task force,
15 so he can let you know what his views are on that.

16 MR. STORRS: Everybody knows I'm George Storrs.
17 I'm a commercial fisherman.

18 I'm going to (inaudible) in a minute, but a
19 friend of mine who's also on the task force couldn't show up
20 today, broke down on his way, his name is Harold Strong. And
21 he's a good representative on that task force.

22 And Harold was going to address Mr. Bosarge and
23 our guy that represents commercial fishermen here about the
24 licenses that are being sold, just being sold.

25 We had a meeting several months ago or we didn't

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1 want to, task force didn't want to have any more licenses
2 issued if we could put a cap on them some way. We discussed it
3 and voted on it. And we're supposed to have been working on
4 getting that cap put on there.

5 Last meeting we had, we didn't have a task force
6 meeting before we had this commission meeting. So I guess you
7 guys just didn't think about that, putting a cap on it.

8 Anyway, it's like 100 new licenses sold. And
9 those 100 licenses are probably just opportunity, people that
10 got relatives and people -- what they do is they come into the
11 program when there's a disaster. They come in. They saw what
12 happened after Camille (sic) and how the fishermen made some
13 money. It wasn't easy money, but it was money. And that's
14 when the licenses really started escalating. Just get a
15 license, and you'll be in the program.

16 And what happens is when you get a bunch of
17 licenses out there, it pushes people like me out. I don't mind
18 being pushed, but I don't like being pushed out for no good
19 reason.

20 The only reason I can see being pushed out is
21 for a good reason. There's no good reason for just selling
22 licenses so people can come in and take advantage of the easy
23 federal money. I'm just opposed to it. And the little group
24 I'm with is opposed to it.

25 Now, I'm certain that all real fishermen are

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1 opposed to it. Real commercial fishermen are opposed to this.
2 And I'm not speaking -- I'm saying they are, but maybe they're
3 not.

4 But anyway, Harold asked me, he call me and said
5 he broke down, he couldn't address this, so this is the point
6 he would have said and talked to you about.

7 But as far as this oyster season goes, you know,
8 we got 37,000 sacks, and that's a lot. But we missed two
9 months from October through November. The end of November is
10 when it was opened up for us. That would have been two more
11 months of income for a guy like me.

12 So what I'm going to ask is -- and I know
13 there's a lot of plans being made and things that are going on
14 in scheduling -- but what I want to ask is that we just get two
15 more weeks of this added onto the end of the season, just two.
16 Not going to take a lot of enforcement people to watch us.
17 We're just going to go a small group out there, one square
18 mile. One guy can take care of all of us as far as keeping an
19 eye on what we're doing that may be wrong. Nobody does
20 anything wrong out there when you're working hard like that,
21 you don't have time to do anything wrong.

22 But anyway, it wouldn't take away from
23 enforcement I don't think. And that would really, really,
24 really help somebody like me. Now, if you was a dredger, you
25 know, I don't try to address what they need and what they want.

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1 But I'm sure that somebody will be up here saying something
2 about the dredging, talking to you. But since it's tonging,
3 I'm asking that you let the tonging season run just two more
4 weeks. If you do that, I'd certainly appreciate it. Thank
5 you.

6 MR. BOSARGE: The task force men, and I know I
7 can vouch for some of the fishermen here in the audience, my
8 phone has been ringing off the hook on this license issue.
9 We've kind of went against the staff's recommendation and
10 opened it up, and we had a lot of licenses sold, and it's an
11 issue.

12 If we could, could we possibly address that now?
13 I have a motion I'd like to make.

14 DR. ASPER: It was on the agenda last time. I
15 think we need to address the closure first.

16 MR. GORDON: If I may, I think I missed one of
17 my points. I think I got off track.

18 For the month of May, this is tied in with the
19 vibrio vulnificus management plan. The checkout time would be
20 reduced to 10:30 a.m. which may result in difficulty unloading
21 and refrigerating the oysters from all of the boats landing at
22 or near that time.

23 So I just wanted to make sure that I covered
24 that point.

25 MR. GOLLOTT: Scott, do you see damaging the

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1 reef since the water is going to get warmer, vibrio is more
2 likely to occur in warmer water, do you think that those two
3 weeks will make a difference?

4 MR. GORDON: It would make a difference for
5 what? The reefs themselves?

6 MR. GOLLOTT: The reef itself plus pushing up
7 the risk of people getting vibrio from our oysters.

8 MR. GORDON: Well, the risks do increase as the
9 water temperatures increase. And water temperatures have been
10 increasing.

11 MR. GOLLOTT: What about the refrigeration, by
12 cutting it back to 10:30?

13 MR. GORDON: 10:30 -- well, we also cut back the
14 time to refrigeration that they had to first get the oysters
15 under refrigeration once they're landed from four hours to two
16 hours. By doing that, we were able to get the harvesters two
17 additional hours.

18 And I spoke with some of the dealers, and they
19 said two hours they felt they would be able to do it, so that's
20 what we backed up to.

21 But if we were to get to those -- 10:30 a.m.
22 checkout time, we're looking at from time of first possible
23 harvest would be legal sunrise, and then two hours after that,
24 so 12:30 all of the oysters would have to be under
25 refrigeration. If you had many boats coming at the same time,

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1 that may be problematic.

2 MR. STORRS: We're not opposed to cutting the
3 limit so that this time limit could be met. If we can cut the
4 limit, that's fine, cut it by five. It's only ten now. But
5 five is still money to me. And that would bring us in at an
6 earlier time. I can still get ten by when we need to be in
7 now. But like you said, all of us can't. But if you cut that
8 limit, we can meet that timeline. That extension wouldn't hurt
9 anything, and we'd be in by 10:00, be under refrigeration by
10 12:00 or 12:30, and we wouldn't be allowed but five sacks.

11 I don't want zero. Something is better than
12 nothing. Five is a livable thing. I can live with five. And
13 my guys, if I go back and talk to them today, they might be mad
14 because they're not going to get ten, but it's okay to get
15 five, you know, it's up to you, I understand that.

16 But we're willing to cut this thing so that we
17 can meet that timeline.

18 MR. TAYLOR: Would that make a difference,
19 Scott, in y'all's thing if you cut the sack limit?

20 MR. GORDON: You know, that would be possible.
21 But I still stand by my original recommendation.

22 MR. TAYLOR: Would it harm if it did this, I
23 mean the resource?

24 MR. GORDON: I do not believe so.

25 MR. BOSARGE: How about if we maybe reach a

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1 compromise? Instead of giving you two weeks, we give you ten
2 days?

3 MR. STORRS: Anything is good if it's all
4 working days, you know.

5 MR. BOSARGE: I make a motion then that we leave
6 the reef open for additional ten days, ten sacks, as long as
7 the times are met, harvest times, when you have to be at the
8 dock. And I guess that's it for ten additional days.

9 MR. TAYLOR: I'll second.

10 DR. ASPER: Any further discussion on this?
11 Catfish, I'll give you one minute.

12 MR. MILLER: One minute is all I need.

13 Hi again. Here I am again. I love y'all. I
14 appreciate y'all giving me a little bit more time.

15 I've been oystering all my life since I've been
16 a little kid. I've never seen so much pressure being put on
17 the Pass Christian reef as it is now from outsiders, from out
18 of state people.

19 And, you know, like I said, we don't have
20 blinders on. We live in Mississippi. I fish in Alabama. I
21 fish in Louisiana. I can't dredge in Louisiana any more. I'm
22 done. They don't allow me to dredge there any more. Alabama,
23 I don't dredge in Alabama no more.

24 So, people, we got to start taking care of the
25 Mississippi people, and our reefs are being utilated (sic)

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1 really bad over the years. And I'm glad we are recognizing the
2 pressure we're getting from these license sales from out of
3 state people.

4 We got to take care of instate people before we
5 do out of state people. I mean, that's all I'm here for. We
6 need help, people.

7 Again, let me pull this pole out and shake it
8 again. You are our backbone up here. We need your help about
9 license caps, overutilating (sic) our reefs out there. I mean,
10 just think, six more hundred boats on top our reef next year,
11 we're going to pound it.

12 DR. ASPER: That's your minute. Thanks.

13 MR. GOLLOTT: Could I address something?

14 Mr. Miller, I want to address three things.

15 MR. MILLER: Yes, sir. Come on with it.

16 MR. GOLLOTT: First of all, I'd like for you to
17 tell my banker I'm a millionaire.

18 Second of all, the statement about 20 years, my
19 son is in the business now, and I do care about everything, you
20 know. Sometimes we say things when we're angry.

21 The only thing that I resent that you said is
22 about the quality of the seafood. There have been thousands of
23 tests. The quality in the seafood, I've been eating it. I've
24 been packing it. You're attacking the processing plants in
25 Mississippi that put millions of dollars in shrimp. Y ou're

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1 attacking all the workers that work in these processing plants.
2 I just wish you'd cut it out.

3 MR. MILLER: You've been attacking me for years
4 with them low shrimp prices. Now, what if I sit here and told
5 you that?

6 MR. GOLLOTT: All I want to do --

7 MR. MILLER: That's what I'm trying to say.
8 Would it upset you if I told you you was attacking me all these
9 years with low shrimp prices and you are the shrimp price man?
10 Have I complained to you about that? No, sir, I haven't.

11 Let me tell you why I'm concerned about the
12 fishing industry as a whole. I know you can sit here and wave
13 your hands all you want, Mr. Richard. You asked the question
14 of me.

15 MR. GOLLOTT: No, I didn't ask -- I made a
16 statement, and I was responding to something you said.

17 MR. MILLER: Okay, sir. I'm sorry you don't
18 like me.

19 DR. ASPER: All right. Let's cut this off, all
20 the comments.

21 Don, I'll give you one minute, also.

22 Scott, do you want to comment on the date?

23 MR. GORDON: Yes. We were just checking in the
24 ten days, that would put it May 12. So if you could maybe
25 clarify that it would end on May 12.

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1 MR. JOOST: I came before the commission two
 2 years ago when I was told by different people that this was
 3 coming, you know, these time and temperature matrix issue,
 4 etcetera, etcetera. Louisiana is on refrigeration. Every
 5 other state has moved to let people refrigerate or ice or what
 6 have you.
 7 I've got a refrigerated boat. I was told by Dr.
 8 Walker straight up eye to eye that we're going to make it where
 9 you can utilize this money you've invested in it.
 10 Now, there's more than one now, there's several.
 11 And I'd like to see us be able to do something like that.
 12 I mean, you've got a modern vessel where you can
 13 refrigerate immediately. And yet, we're pushed out of the game
 14 in favor of ones that can't. And you have to do all these
 15 things around it.
 16 I think it's time to work with all the types of
 17 boats if you want to have a healthy industry. What's wrong
 18 with somebody being able to refrigerate their oysters right
 19 away?
 20 Thank you.
 21 DR. ASPER: Thanks, Don.
 22 So we have a motion on the floor that is too --
 23 MR. BOSARGE: Let me clarify it. Motion would
 24 be to extend the season until May 12 with a ten sack limit as
 25 long as the time limits are met. Is that right how I phrased
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1 that, Scott?
 2 MR. GORDON: Well, that the 2010-2011
 3 Mississippi oyster season would close at 10:30 a.m. May 12,
 4 2011.
 5 MR. BOSARGE: Yes, sir.
 6 DR. ASPER: That's okay with the seconder?
 7 MR. TAYLOR: Yes.
 8 DR. ASPER: Any further discussion? Those in
 9 favor say aye. Those opposed. Carries unanimously.
 10 MR. GOLLOTT: Mr. Chairman, can we take a break?
 11 DR. ASPER: Let's take a break, and we'll come
 12 back with the records after the break.
 13 (Off the record.)
 14 DR. ASPER: I'd like to bring this meeting back
 15 to order. We're up to Item G-8(a), the state records.
 16 8. State Records
 17 MR. DIAZ: Last on the fisheries agenda is the
 18 state records, and Erick Porche is going to present that for
 19 us.
 20 MR. PORCHE: Good morning. We have three
 21 records for approval this morning. All three of them are
 22 conventional tackle.
 23 Our first one is a marbled grouper. It's a new
 24 entry. Dermatelepis inermis. It's a record of 12 pounds 8
 25 ounces caught by Dwayne Ames -- I'm sorry. The name on that
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1 record is wrong. That should be Phillip Lee King, Jr. I
 2 apologize for that. But that is the marbled grouper, and that
 3 is Mr. King with the grouper.
 4 The next one is a spinycheek scorpionfish,
 5 Neomerinthe heningwayi. The old record was three pounds two
 6 ounces. The new record is 3 pounds 8.56 ounces caught by Pete
 7 Atwood. Our fish and Mr. Atwood with the scorpionfish.
 8 The last one is greater amberjack, Seriola
 9 dumerilli. The old record was 113 pounds 13.6 ounces. Our new
 10 record is 114 pounds 3.2 ounces caught by Troy Helwig. There's
 11 our amberjack and Mr. Helwig.
 12 Any questions?
 13 MR. GOLLOTT: Mr. Erick, was that grouper landed
 14 in Mississippi waters?
 15 MR. PORCHE: It was. It was in federal water,
 16 but it was caught south of Horn Island and landed in Ocean
 17 Springs.
 18 DR. ASPER: Is there a motion to approve these
 19 records?
 20 MR. DRUMMOND: So moved, Mr. Chairman.
 21 MR. GOLLOTT: Second, Mr. Chairman.
 22 DR. ASPER: Those in favor say aye.
 23 Congratulations to all of the record holders.
 24 And now we have one other item we want to
 25 discuss, at least Commissioner Bosarge would like to bring up
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1 something.
 2 MR. BOSARGE: Scott, I'd like to talk about the
 3 oyster license sales.
 4 DR. ASPER: We need some guidance on this. This
 5 is something that was brought up at the last meeting. And
 6 Commissioner Bosarge wasn't here, so he'd like to bring it back
 7 up for reconsideration.
 8 MR. BOSARGE: Yes, sir, for reconsideration.
 9 DR. ASPER: And the question I think is you can
 10 just provide guidance on what's required and what's
 11 appropriate.
 12 MS. CHESNUT: As far as amending the agenda --
 13 DR. ASPER: Everything.
 14 MS. CHESNUT: Okay. Commissioners have in the
 15 past made motions that are not on the agenda, so it's up to the
 16 commission to consider it if they want to consider it. There
 17 is an item on the agenda, as well, other business, where we
 18 capture other items not on the agenda.
 19 MR. BOSARGE: So I guess I'm going to ask the
 20 commission then to bring up the oyster license subject. Or
 21 would you rather I wait until other business?
 22 DR. ASPER: This is fine.
 23 MR. BOSARGE: I have a lot of concern from a lot
 24 of different fishermen on the oyster sales where we open it up
 25 to just anybody in the general public.
 60

1 And I've got a motion I'd like to read if that's
2 possible.

3 Mr. Chairman, the recent license sales
4 information for the commercial oyster fishery reveals the
5 following:

6 In the past ten years, resident tonging license
7 have increased 61 licenses to a high in 2010-2011 of 99
8 licenses, a 62 percent increase.

9 In the past ten years, nonresident tonging
10 license have increased from 62 license to a high in 2010-2011
11 of 104 license, a 67 percent increase.

12 In the past ten years, resident dredge license
13 have increased from 160 licenses to a high in 2009-2010 of 274
14 license, a 71 percent increase.

15 And most shockingly of all, in the past ten
16 years, nonresident dredging license have increased from 29
17 licenses to a high in 2009-10 of 118 licenses, a 300 percent
18 increase.

19 License data for sales for the first 15 days of
20 April 2011 indicate that even more new participants to the
21 Mississippi oyster fishery are preparing to extract oysters
22 from Mississippi's public reefs.

23 Mississippi is seeing additional pressure on its
24 resources while neighboring states have limited participation
25 by Mississippians or made little effort to develop their own

1 on the sale of commercial oyster licenses for the 2011-2012
2 license year.

3 During the moratorium, the executive director by
4 and through the MDMR shall have the authority to sell a
5 commercial oyster license to any entity that provides proof
6 that they possess a valid Mississippi commercial oyster license
7 during the immediate preceding license year.

8 License issued during the moratorium shall be
9 limited to the number and type license issued to the entity
10 during the preceding license year.

11 Entities that purchased a dredging license last
12 year and then switched to a tonging license shall have the
13 option of purchasing either, but not both, license.

14 All other entities that are prohibited from
15 obtaining a license during the moratorium shall petition the
16 MDMR in writing for the issuance of a license, provide proof of
17 prior participation in the Mississippi oyster fishery, or why
18 they were unable to participate, and show good cause why they
19 should be issued a license during the moratorium.

20 And that, Mr. Chairman, is my motion.

21 DR. ASPER: Is there a second?

22 MR. TAYLOR: I have a question. We had a
23 gentleman last year come before he commission because he was
24 out of town or working offshore during the period for a
25 license, and he didn't get his license. And I remember the

1 public oyster reefs.

2 Mississippi's public oyster reefs cannot
3 continue to both sustain the potential increased effort and
4 provide economically for the oystermen that have traditionally
5 harvested oysters from Mississippi waters.

6 Increased effort on the reefs will force the
7 reduction of the number of sacks that can be harvested each day
8 by oyster fishermen.

9 Reduced sack limits will have devastating
10 financial impacts on the oyster fishermen.

11 Action has to be taken to avoid the depletion of
12 the reefs and the financial collapse of those individuals that
13 have committed a great portion of their lives and personal
14 resources to Mississippi and Mississippi public oyster reefs.

15 The Mississippi seafood law provides that it is
16 the public policy of the state to work towards the conservation
17 of its seafood and aquatic life in connection with the
18 revitalization of the seafood industry of the State of
19 Mississippi.

20 The commission is charged with the duty of
21 implementing this policy.

22 Therefore, regarding the sale of commercial
23 oyster licenses for the 2011-2012 license year, I make the
24 following motion:

25 That the commission declare immediate moratorium

1 comment that we promised this individual -- I don't remember
2 his name -- that he would be able to get a license.

3 And my concern is that we have some people in
4 that same boat, and I don't remember the gentleman's name --
5 but that we're going to be dealing with, also, that like this
6 gentleman didn't have a 2010 license because he couldn't get
7 one. Now, is he going to be kept from getting a license under
8 this motion?

9 MR. BOSARGE: If I remember correctly, Dale,
10 that gentleman, we didn't promise him a license, if I remember
11 correctly. He was the one that was building the boat.
12 Remember?

13 MR. DIAZ: His name is Jeffrey Powell.

14 MR. TAYLOR: He had a license the year before;
15 didn't he?

16 MR. DIAZ: I think so. But he did not have one
17 for 2010.

18 MR. TAYLOR: And that's my concern that we have
19 people like that, (inaudible) those folks that fish in
20 Mississippi a license.

21 MR. GOLLOTT: Mr. Chairman, this is limited
22 entry, that's what we're talking about here.

23 As far as the conservation of the reefs, we have
24 a sack limit. The oysters have to be culled to three inches.
25 So I've always maintained that if you make people cull them to

1 three inches, you can't damage the reef because you're leaving
2 the smaller oysters out there.

3 How -- the devil's in the details -- how do you
4 now stop Mississippi people that want fish from getting a
5 license and we're selling a percentage of licenses to Alabama
6 people, you know?

7 And another thing, license sales doesn't mean,
8 it doesn't go -- it doesn't reflect effort. I've asked, and I
9 think the biggest day we had on the reef was like 200 boats --
10 wasn't it? We sold like 500 licenses.

11 MR. DIAZ: I believe 271 was the biggest day
12 that we've had on the reef that I can recall last year.

13 MR. BOSARGE: What would you surmise it may be
14 after keeping the reef closed for a year now?

15 MR. GOLLOTT: I think a lot of people was trying
16 to get in on the BP oil spill, and I think we'll see -- and
17 again, Alabama has had a problem with a whole oyster -- Dauphin
18 Island having saltwater intrusion on their oysters and killing
19 them.

20 We've gotten an increase from Alabama fishermen,
21 but we've had a good year.

22 Is there a problem here, Dale? Did you see? I
23 mean, with --

24 And what I'd like to do is make a second motion
25 that we give like we did a couple of years ago, give Dr. Walker

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1 think we struggle with all the time, especially when you're
2 trying to set sack limits and seasons. It's hard to predict
3 effort out into the future, especially this far out into the
4 future.

5 A good shrimp season makes a difference. To
6 some extent, fisheries that are going on in another state, how
7 good they are make a difference. The value of the price of
8 oysters. I mean, the price of fuel. There's a lot of things
9 that just comes in. And I don't think we could make a good
10 estimate at this point in time of what effort would be next
11 year.

12 MR. BOSARGE: And I guess my point is, you know,
13 the oyster task force met. They came to the conclusion that
14 they agree with the staff and recommend it. The staff
15 recommended it at the last meeting. And basically, that's all
16 I'm doing now again is basically trying to put it back like it
17 was, and here as a commission we totally went against
18 everything that the fishermen wanted, that the DMR wanted, and
19 we opened it up to the general public. I have a problem with
20 that.

21 So that's why I'm bringing it back up now.

22 MR. GOLLOTT: Dale, one more thing. He objects
23 because it's opened up to the public. But it is public reefs.
24 The public -- the government, the State of Mississippi and the
25 federal government have put millions of dollars in these oyster

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1 the authority to look at this thing. If he sees that it's
2 getting out of hand, he can put a moratorium on license sales.

3
4 MR. DRUMMOND: I thought we already had that,
5 Richard.

6 DR. ASPER: No. We voted that down last month.
7 We voted against it.

8 MR. GOLLOTT: Well, it wasn't really brought up
9 as an alternative.

10 MR. BOSARGE: And, Dale, can I ask one question?
11 Could you repeat what the staff's recommendations were for the
12 last meeting for the oyster season? Do you have that?

13 MR. DIAZ: Generally, off the top of my head, if
14 y'all -- Scott, help me out if I mess up too bad. I think
15 generally the staff recommendations were to sell the same -- to
16 open up license sales for the month of April to people who have
17 held a license in the previous year. And they could come and
18 buy the same type of license that they had for the previous
19 year. And then starting in the month of May, any residual
20 license that was left over from the caps that we had previous
21 year would go up for sale on a first come first serve basis.

22 Is that generally it, Scott?

23 MR. GORDON: I believe so.

24 MR. DIAZ: And the only other thing you asked me
25 about effort for the next year. That's one of the things I

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1 reefs. You're fixing to have a big plant, and that's federal
2 money.

3 I think just for a comparison, look at the sand
4 beach. The federal government pumped the sand beach in and
5 declared it public. You can't keep people off of that. You
6 know, now we do have some obligations to make sure the
7 conservation, we conserve that reef.

8 Like I say, I think our hand here is we control
9 the size of the oysters, we control how many sacks they catch.
10 Other than that, I think the public should be able to buy a
11 license. How do you turn a Mississippi person down when we've
12 sold so many Alabama licenses?

13 MR. BOSARGE: I guess my point is, Commissioner
14 Gollott, that we have I'm not saying all the fishermen, but the
15 majority of the fishermen thinking one way, we have the DMR
16 thinking one way, and then we have you that thinks totally
17 different.

18 I try to look at the majority. If the majority
19 of the people think this is the way we need to go, then I think
20 this is the way we need to go.

21 MR. TAYLOR: Dale, what are license sales this
22 year as compared to last year?

23 MR. DIAZ: Scott does have a slide that we can
24 put up that actually goes back about ten years.

25 Now, bear in mind, this year, what you got to

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1 look at is we have only had license sales open for a couple of
2 weeks so far. And we did do some comparisons on how many
3 licenses have been sold through this time last year. I don't
4 know if I have that with me, though.

5 Do you have it?

6 Through the 14th of April, at this time last
7 year we had sold 131 licenses. Through the 14th for this
8 license year of April 2011, we have sold 216 licenses.

9 MR. GOLLOTT: One more thing I'd like to
10 interject here. The commissioner said I was the only one
11 thinking like this. But it's my understanding that the United
12 States House of Representatives just passed a bill that would
13 prohibit NOAA from doing any limited entry program. And Perret
14 could address that.

15 MR. BOSARGE: I think that's catch shares
16 they're referring to, not a limited entry.

17 MR. GOLLOTT: It's still part of limited entry.

18 MR. BOSARGE: Catch shares is a different --
19 totally different from limited entry in that catch shares can
20 be traded and sold amongst users and anybody that wants to go
21 out and participate in that fishery will be able to buy catch
22 shares and buy -- and that's part of -- limited entry seems to
23 be a dirty word. But limited entry in those fisheries up there,
24 if you -- if there are licenses that are for sale, the licenses
25 are transferrable, therefore you can buy a license, you can buy

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1 in my life. If a person wants to go out there and work that
2 hard and make a living, maybe they have lost their job or
3 something and they need something to fill in, maybe their kids
4 are coming along and they want to oyster, God bless them. You
5 know, sell them a license.

6 MR. BOSARGE: I'm not against that.

7 The problem is having two neighboring states
8 that do not allow us to do the same thing. And then we manage
9 our fishery, and we manage it right, and they can come over --
10 and you can't shut out neighboring states. But still and all,
11 it allows anybody, and when I say anybody, I mean anybody, to
12 come in here and take what these fishermen, especially this
13 year -- I mean, we closed it down for dredging. We had all
14 that bottom closed. These fishermen are looking forward to
15 this year to make up some of what they lost. Now, if it goes
16 like -- and who knows. There may not be a problem. But if
17 there is a problem and the sack limit goes down to ten sacks to
18 the boat or five, nobody is going to make any money and
19 especially the fishermen that waited for this year's season.

20 MR. GOLLOTT: Well, that's the reason I made the
21 second motion that we put this in Dr. Walker's hands and trust
22 that he will do the right thing here. And I wouldn't be
23 endorsing limited entry.

24 Like I say, the devil's in the details. We need
25 fishermen. It's like our shrimp industry is down what? About

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1 a boat, if you -- catch shares are available. I'm not a
2 proponent of catch shares by any means. But that's the system
3 that's taking a hold.

4 And I think what they did was that the bill that
5 was passed basically was to no longer fund the catch shares.

6 So the catch share program is still there, they
7 just pulled the funding out from under it.

8 MR. GOLLOTT: But isn't that the goal of this?
9 I mean, you could have a license for three or four years, and
10 you normally buy the license, and somebody could buy it from
11 you.

12 MR. BOSARGE: Well, if it was -- and here again,
13 hopefully the task force, these are issues they can work on.
14 But if this program was ever put in place and done from what I
15 consider correctly, it would be similar to what the federal
16 government does in that all licenses are transferrable. Right
17 now, there is a moratorium on shrimping licenses in federal
18 waters of the United States Gulf of Mexico. But if you Richard
19 wanted to go into the shrimp business, you can go buy you a
20 boat and you can go buy a license, and you can go to work.

21 And so you're not really limiting the entry, you
22 still are able to go do that fishery. And as far as I know,
23 that's most every fishery in the United States.

24 MR. GOLLOTT: But one more thing. These oyster
25 fishermen are some of the hardest working people I've ever seen

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1 60, 70 percent now? We need fishermen in that industry. We
2 don't need to start limited entry on any fishery.

3 And the second thing is I've got a couple of
4 senators who are willing to go to the Attorney General of
5 Mississippi and see if we can file a lawsuit against Louisiana
6 for their limited entry, because I think it's illegal. The
7 government has put millions of dollars in Louisiana reefs, and
8 you got a few fishermen over there that's got this all passed,
9 and I understand it has to be revisited in 2013. Some of the
10 legislators over there don't like it, and they wish somebody
11 would say something about it.

12 So I would prefer to go to our legislators and
13 see if we can get something worked out with Louisiana so our
14 people can -- our fishermen, if things get bad, they can go to
15 Louisiana. And I think at the last meeting we asked our staff
16 to look into Alabama. What's the problem? Can our fishermen
17 do it?

18 MR. TAYLOR: I think one of the issues we're
19 going to have is you can sell (inaudible) but if the price of
20 fuel keeps going up, you're not going to have any shrimpers or
21 oystermen anyway, you know. So that's -- I can't make a living
22 in the charter business to go out with the cost of fuel \$3.50,
23 \$4 for diesel, you know. Just can't do it. It might not even
24 be an issue.

25 MR. BOSARGE: And that was the point that I was

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1 going to make. The reduction in fleets is strictly economics.
2 I mean, nowadays where it used to be, for instance, if you were
3 a young man and wanted to get into the fishing business, be it
4 shrimping, if you really wanted to work hard, that's about all
5 it took, that and a little bit of sense, little bit of
6 knowledge.

7 Nowadays, to get into a fishery nowadays, you
8 better know what you're doing. You better have experience, and
9 you better be able to go out there and not have to learn the
10 fishery, you better know it.

11 DR. ASPER: Okay. We have a motion on the
12 floor. It has not been seconded yet. We're waiting for a
13 second.

14 MR. BOSARGE: Could I alter that motion?

15 DR. ASPER: Certainly.

16 MR. BOSARGE: If Commissioner Gollott approves,
17 we would do number one where we would declare an immediate
18 moratorium on license sales and then strike everything else and
19 basically just give the executive director the authority to
20 take control of the program and do what he sees fit.

21 DR. ASPER: So the motion is number one, to
22 declare immediate moratorium on sales; number two, to empower
23 the executive director to sell licenses as he sees fit for the
24 2011-2012 license year. And there is a second by Commissioner
25 Taylor. Any comments from counsel?

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1 MR. GOLLOTT: Let me say one more thing. My
2 motion does the same thing without the moratorium. And Dr.
3 Walker will put it on there if he decides to do it.

4 DR. ASPER: But his motion because it was first
5 precedes yours, so we're going to vote on that one first. It's
6 made and seconded.

7 MR. GORDON: If I may, with your motion as it is
8 right now, the 2011-2010 (sic) license year, that would become
9 effective May 1, so that tonging season that we were talking
10 about ten days into May, that could potentially be affected by
11 that.

12 MR. DIAZ: I guess I might need some
13 clarification. I'm trying to understand the moratorium part.
14 If the moratorium was in effect on commercial oyster license
15 sales, in effect, we would not be able to sell licenses for a
16 period of time until the executive director comes up with a
17 plan. Is that what you --

18 MR. BOSARGE: We've got to cap the license sales
19 where they are right now and then put a plan in place that
20 allows us to have our traditional fishermen back on those
21 reefs.

22 How many license have we sold so far?

23 DR. ASPER: (Inaudible.)

24 MR. BOSARGE: And how many are -- did you ever
25 get the count on how many were new license holders, Dale?

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1 MR. DIAZ: Brand-new to the fishery, we're
2 talking about people that did not hold a license last year, 64
3 of that number brand-new to the fishery. There are some people
4 that did some things that were in the fishery last year that
5 bought licenses that, for instance, they may have had a
6 dredging license last year, but this year they came in, they
7 bought a dredging and a tonging license.

8 There was also some people that had one boat
9 last year and bought licenses for two or three boats this year.
10 That's not included in that 64 number. There's some new
11 licenses that have been sold but they're to traditional --
12 people that had been in the fishery before.

13 MR. BOSARGE: In other words, they may have
14 increased the license numbers.

15 MR. DIAZ: Right.

16 MR. BOSARGE: But we have 63 that are total into
17 the fishery?

18 MR. DIAZ: Sixty-four.

19 MR. TAYLOR: Do you know how many of those are
20 out of state?

21 MR. DIAZ: For nonresident tonging, it's 17, and
22 for nonresident dredging it's 25. So that's 42.

23 MR. BOSARGE: Sixty or so percent, 65.

24 DR. ASPER: So, what you're saying is because
25 last month we voted to eliminate the cap and to let it wide

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1 open, 42 out of state fishermen now have Mississippi licenses.

2 MR. BOSARGE: And that's the first 15 days?

3 MR. DIAZ: That's through -- that's as of the
4 18th. This license list that I'm looking on is through the
5 18th.

6 MR. BOSARGE: So it's for the first 18 days.

7 MR. DIAZ: Well, yes. We don't sell licenses
8 every single day. Monday through Friday. But first 18 days of
9 the month, yes, sir.

10 MR. GOLLOTT: But Dale, that's not really
11 unusual; is it?

12 MR. DIAZ: Well, it's hard to say. When you say
13 unusual, this is what I'm thinking about. Three years ago we
14 did the first license cap that we have ever done. But it was
15 done after the month of April. So we can't compare April sales
16 that year because it didn't apply.

17 Last year we had a license cap that in the month
18 of April we said only people that bought licenses the year
19 before could buy in the month of April.

20 So if you compare this to last year, we did have
21 a license cap, but only people that held a license the previous
22 year could buy during the month of April.

23 So now we're comparing in the month of April
24 where there's a bigger pool of people out there which can buy a
25 license.

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1 So it's hard to compare what's usual and what's
2 not usual because previous to three years ago, we didn't have
3 license cap, so it's hard to compare that at all. People
4 generally sold most of the license right before the oyster
5 season back then. We didn't sell a lot of licenses in the
6 month of April and May.

7 MR. TAYLOR: Mr. Chairman, I want to withdraw my
8 motion (sic) because if Scott, you're saying that it's going to
9 affect the ten days we gave our fishermen?

10 MR. GORDON: It would have that potential if the
11 folks desiring to harvest during that time -- and I think
12 George has already gone. I'm not sure that he's purchased his
13 license yet.

14 MR. TAYLOR: Can we limit it to out of state
15 license?

16 MR. BOSARGE: Can't do that.

17 MR. DIAZ: I'm sorry, Mr. Taylor?

18 MR. TAYLOR: We can't limit it to out of state
19 license, put a moratorium on that. I mean, it seems that the
20 issue is not the Mississippi fishermen fishing, it's out of
21 state people coming in. And I'm not really for that, but I'm
22 trying to find a solution to kind of work through some of this.

23 MR. RUNNELS: My name is Joseph Runnels, and I
24 think they want me to say something so I'm going to stand up
25 here and blabber for a minute or two.

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1 that he's already set. Maybe not in each category, but you're
2 above ten percent of the license sales from what you had the
3 preceding year.

4 So I don't know what bag of monkeys you're going
5 to be giving Dr. Walker with that proposal. But I just thought
6 I'd point that out. I mean, he might would have already made
7 that determination if you had given it to him last month.

8 MR. DIAZ: Commissioner Asper, if I may. I did
9 discuss this with Dr. Walker prior to the meeting, and we do
10 have a staff recommendation. But I'm not sure at this point if
11 it goes along with the will of the commission because we've
12 discussed a lot of stuff here.

13 But if y'all would like to hear that at some
14 point, it is available.

15 DR. ASPER: What you're saying by offering that
16 is that your staff's recommendation is probably what the
17 executive director will follow if we give him the authority.

18 MR. DIAZ: We anticipated that this issue might
19 come up, and we decided to try to have a department position on
20 what would be the department's recommendation.

21 I don't know that we really addressed what Dr.
22 Walker would follow. What I think we would do is ask you to
23 give Dr. Walker authority to look at this and handle unusual
24 license sales.

25 What we did in the past is we sat around and we

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1 I don't see Scott's concern about this proposal
2 even as amended affecting those people that are harvesting
3 right now. And the reason why is because you have a provision
4 in here if you're a license holder in the immediately preceding
5 year you can still get a license. So I don't know how George
6 Storrs would get --

7 (Several people speaking at one time.)

8 MR. RUNNELS: Well, I was assuming, and maybe
9 Commissioner Bosarge can correct me, that he was actually just
10 saying what he was going to amend number one, and he was
11 basically going to keep most of everything else in place. Was
12 that not --

13 MR. BOSARGE: No. I was trying to find a
14 compromise here, Joe, to where we could stop the license sales
15 and then maybe put Dr. Walker in charge of determining how to
16 proceed with this.

17 MR. RUNNELS: I do have a comment on that, too.
18 When Dr. Walker had that authority either last year or the year
19 before, now they're beginning to blur together, he basically
20 looked -- he put it ten percent above license sales from the
21 previous year in each one of the categories.

22 Assuming, just assuming, for a minute that
23 everyone who bought a license last year buys another one. We
24 had somewhere around 500 licenses, so you've already sold 64
25 new licenses this year. You're already above the ten percent

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1 met and we tried to come up with a criteria what we thought
2 unusual was. And like Joe said, ten percent is what we went
3 with last time. But we would probably develop a specific
4 criteria for what we think unusual is now, and I don't know
5 what that would be until we have those discussions.

6 MR. GOLLITT: That would go along with my
7 motion, then, that we give Dr. Walker the authority. I mean,
8 if he thinks the moratorium needs to be tomorrow, he can put it
9 on there. If he doesn't --

10 MR. DIAZ: It does, but it's got some additional
11 components that your motion doesn't have.

12 MR. GOLLITT: Go ahead and give it to us.

13 MR. DIAZ: All right. This is basically the
14 motion that we had discussed.

15 The executive director and the MDMR shall
16 closely monitor the sale of commercial oyster license for any
17 unusual increase in the number and types of license sold. The
18 executive director is directed to suspend the sale of
19 commercial oyster license for any category of license that
20 reflects unusual increase in the number of license sold. Prior
21 to the suspension of the sale of license, the executive
22 director will notify the CMR by phone or e-mail. Following any
23 suspension in sales, the executive director is to report to the
24 Commission on Marine Resources at the next regularly scheduled
25 monthly meeting any suspension of the sales of commercial

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1 oyster licenses.

2 And lastly, individuals that are prohibited from
3 obtaining an oyster license during any period of suspension may
4 petition the executive director in writing for issuance of a
5 license, provide proof of prior year's participation in the
6 Mississippi oyster fishery, and why they were unable to
7 participate, and show good cause why they should be issued a
8 license in the suspension of sales.

9 And that is the motion.

10 DR. ASPER: Okay. So we have a motion on the
11 floor that has no second at this point, and that motion is
12 moratorium and turn it over to the executive director.

13 Is there a second for that motion?

14 MR. TAYLOR: No.

15 DR. ASPER: That motion fails for lack of a
16 second. So we move on to Commissioner Gollott's motion which
17 this is simply to turn everything over to the executive
18 director as he sees fit.

19 Would you consider replacing that motion with
20 the one that --

21 MR. GOLLOTT: I would, yes. I make a motion
22 that we accept the staff's recommendation on the moratorium on
23 the dredging license, oyster license.

24 DR. ASPER: So the motion that we have then is
25 as Dale Diaz just read, and that is basically turn it over to

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1 the executive director, requiring him to monitor the sale of
2 licenses. If anything looks like we are seeing a dangerously
3 high number, that he will limit the sales as he sees fit and
4 that he will notify the commission both by phone and e-mail as
5 he does it and then at the next commission meeting.

6 Is there a second for that motion?

7 MR. TAYLOR: Second.

8 DR. ASPER: That motion is seconded. Is there
9 further comment?

10 MR. BOSARGE: So we're going to let license
11 sales continue on as they are until the point in time when Dr.
12 Walker adjusts it or whatever he does.

13 MR. DIAZ: License sales will not stop under
14 this motion right now, but we would start closely monitoring
15 those, and we will start having meetings immediately to
16 determine what our criteria would be for unusual license sales.

17 MR. BOSARGE: That's all.

18 DR. ASPER: The motion is made and seconded.
19 Are we ready to vote? Those in favor say aye. Those
20 opposed.

21 MR. BOSARGE: Aye.

22 DR. ASPER: Let the record show that
23 Commissioner Bosarge voted against, the other three
24 commissioners voted for. The motion carries three to one.

25 MR. DIAZ: Thank you. That concludes fisheries

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1 section.

2 DR. ASPER: Let's move on to coastal ecology.

3 H. Coastal Ecology

4 MR. BOYD: Good morning, Mr. Chairman,
5 commissioners, Chief Chatagnier.

6 Coastal has five action items left on the agenda
7 for your consideration. But before we get to that, we have a
8 report from Jennifer Wittmann on marsh restoration project.

9 2. Program Status

10 a. Marsh Restoration Project

11 MS. WITTMANN: Good morning, commissioners,
12 Chief, and Ms. Chesnut. I'm Jennifer Wittmann, and I'm going
13 to veer away from the typical permitting agenda item. There's
14 not going to be a recommendation. There's not going to be a
15 fine or forward to the Attorney General's office. This is a
16 violation that was voluntarily resolved by a property owner,
17 and we want to take an opportunity to show the commission some
18 of the violations that are taken care of without a commission
19 order and things that you don't actually ever get to see.

20 So this violation was located on an unnamed
21 canal off of the West Pascagoula River in Gautier. And it was
22 in the general use district.

23 In December of 2005, an exclusion was issued for
24 an access pier and a terminal structure that totaled
25 approximately 1800 square feet.

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1 And a violation was reported to DMR in August of
2 2009 concerning the construction of a keyhole boat slip.

3 So the diagram on the left is the permitted
4 structures. The diagram on the right is what was constructed.

5 Site visits revealed approximately 4,000 square
6 feet of decking and approximately 2,000 square feet of marsh
7 that had been excavated.

8 This is an aerial from March of 2006 of the
9 site. Concentrate on this area right here. And a picture from
10 January of 2010, you can see where the marsh has been excavated
11 and a keyhole boat slip has been constructed.

12 And this zooms in that keyhole boat slip and the
13 decking that was constructed.

14 This picture was taken in August of 2009 on a
15 site visit with marine patrol.

16 This is another picture of that site. It shows
17 some decking. And you can see here that the access pier was
18 not constructed as it was originally authorized. It is below
19 the height of the marsh grass, and it also was built too wide.

20 This is sidecast dredge material that presumably
21 was from when the keyhole boat slip was constructed.

22 This picture is another one of the access pier.
23 You can see again the marsh grass has grown up on either side,
24 so it actually goes through the width.

25 Following site visit by DMR and meetings with

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1 the Secretary of State's office, Corps of Engineers, the
2 property owner decided to voluntarily bring the violation into
3 compliance.

4 And finally in March of 2010, an application was
5 submitted for dredging along with the restoration plan. And
6 that plan was reviewed by the Corps and Secretary of State's
7 office, and a general permit was issued in April of 2010 for
8 dredging in the adjacent canal.

9 So May 18, 2010, they had come in and removed
10 the decking. They replaced some of the marsh vegetation that
11 was out there that was left from when the general permit was
12 issued. And the restoration plan was approved.

13 At that time, the boat was removed from the
14 keyhole boat slip, but no work had begun.

15 By October of 2010, they had gone in and removed
16 all the decking on the access pier and were putting two by
17 fours out to try to get some sunlight into the area to minimize
18 the impacts to the marsh and try to get it to start
19 revegetating more quickly.

20 By November of 2010, the canal had been dredged
21 and the area had been sprigged with native vegetation. And
22 that was done in accordance with the DMR marsh restoration
23 guidelines that states the area has to be restored to the
24 pre-impact level using the least destructive method possible.
25 And they dredged the adjacent canal to a depth of six feet

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1 below mean high tide, dewatered the material, and then placed
2 it in the keyhole slip area.

3 The plant spacing was not to exceed four feet in
4 accordance again with those marsh restoration guidelines. In
5 this case, they went higher. They were trying to get a higher
6 survivability to make sure that that material would stabilize
7 more quickly. And the consultant did use vegetation from the
8 adjacent marsh. Sprigs were four inches by four inches, and
9 they're more than six inches deep.

10 This picture was from March of 2011. You can
11 see they went in. They narrowed the access pier. They added
12 an additional piling on the side of each one of the pilings so
13 that they were able to raise it up and raised it to four feet
14 in height.

15 They went in next to the access pier and
16 sprigged many of the areas that were impacted during the
17 restoration activity.

18 So I kind of did like a little bit of timeline
19 on a couple of slides to show you some of the same areas over
20 the last couple of years.

21 In September of 2009, and that same area with
22 access pier in April of this year, again narrowed and raised to
23 the appropriate height.

24 The area of decking in September, and in May of
25 2010, and that area now. The piling here in this picture was

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1 the corner piling here that started to revegetate with
2 sagittaria latifolia.

3 The keyhole boat slip, and again the area with
4 the dredge material placed in it and sprigged with the native
5 vegetation.

6 Some of the corrective action, things that took
7 place. The unauthorized pier, and there was a retaining wall
8 and (inaudible) were removed.

9 General permit was issued for dredging in the
10 adjacent canal.

11 The unauthorized keyhole boat slip was filled.
12 And authorization for a temporary bulkhead one foot above mean
13 high tide was authorized to stabilize the dredge material.
14 However, they did not actually have to construct this temporary
15 bulkhead material. Once they got it in place after it was
16 dewatered, it didn't seem to be moving around, it wasn't
17 causing siltation, and they chose not to put the bulkhead in,
18 and we still haven't seen any problem.

19 The keyhole boat slip area was again filled in,
20 and it was sprigged with marsh plugs from the adjacent marsh.

21 The access pier was narrowed from 5.9 feet to
22 four feet and raised to a foot above the top of the adjacent
23 vegetation.

24 The areas impacted adjacent to the access pier
25 were sprigged with that native vegetation.

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1 In accordance with the approved restoration
2 monitoring plans that again was reviewed by the Secretary of
3 State's office and the Corps, as well as DMR, the area will be
4 monitored for a period of five years, and marsh restoration
5 reports are submitted each year by October 1. The site must
6 achieve 95 percent cover over the next five years. With the
7 help of some of the other offices, we had trouble finding the
8 site. When we got the report, it was somebody in a boat.
9 Marine patrol took us out. We were able to find the violation.
10 We worked with the property owner, the control team, the Corps,
11 and the Secretary of State's office to resolve the violation
12 without having to bring it to the commission, without having to
13 issue a fine, the threat of the Attorney General's office, or
14 anything like that.

15 We've been working with this property owner and
16 his consultant on this violation for over 20 months, and we're
17 going to continue to monitor the site for the next three years.

18 A good many of the violations that we have come
19 into our office don't ever make it to the commission, so we
20 wanted to just take an opportunity to show the commission that,
21 you know, even some of the really bad violations don't come
22 before you, and things get taken care of.

23 So there are people who when they make mistakes
24 want to get everything fixed and get it back the way it's
25 supposed to be.

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1 So that was all I have. Anybody have any
2 questions?
3 MR. DRUMMOND: Do you do all this by yourself,
4 Jennifer?
5 MS. WITTMANN: I didn't do the work. I did work
6 on the violaton, though.
7 I worked with the Corps of Engineers, Secretary
8 of State's office, several of our staff members went out with
9 me on many, many site visits. I think everybody knows how to
10 get to the site now. We've gone out there several times. We
11 are out there at least every other month just to kind of check
12 on the progress and see what's done.
13 It really has been an effort of the whole office
14 working together. If I haven't been able to make it out,
15 somebody else will go out and take pictures and just let me
16 know what's going on. And I've had people have to attend
17 meetings.
18 But we've all worked really hard to be sure that
19 we could have more violations -- not have more violations, but
20 more problems that are resolved without having to bring them to
21 the commission to try to work with people. It has been a slow
22 process, but it's the process and it's working. It just takes
23 a little more time. And we have to be a little patient with
24 them, and they have to be patient with us. But it's been a
25 positive, positive process.

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1 They won't be changing or altering those from what's already
2 existing.
3 The project will serve a higher public purpose
4 by restoring safe navigational depths and providing public
5 access to and use of the waterway.
6 It is allowable within the general use district.
7 Similar projects have been approved, and this is
8 not expected to set any precedent.
9 There will be a temporary increase in turbidity
10 and a loss of benthic organisms within the dredging area while
11 the work is going on.
12 The project should not have any adverse impacts
13 other than the loss of benthic organisms. The activity will
14 remain well away from the shoreline, and it will not affect the
15 natural supply of sediments, nutrients, temperature, salinity,
16 or affect the water flow or the circulation beyond an increase
17 in turbidity, which is not expected to exceed DEQ's guidelines.
18 There were submerged aquatic vegetation surveys
19 done in the area, and there weren't any where the dredging will
20 take place.
21 Best management practices will reduce any
22 adverse impacts.
23 No offsite alternatives were considered. This
24 is maintenance dredging of the existing canals, and they will
25 be following those same paths and not dredging any new areas.

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1 3. Bureau of WetlandS Permitting
2 a. Jackson County Board of Supervisors
3 MS. BRANTLEY: Good morning. Willa Brantley.
4 I'm going to present H-3(a) now. This is a request for a
5 permit by Jackson County Board of Supervisors. It's located on
6 Davis and Stark Bayous in Ocean Springs. It's in a general use
7 district, and Seymour Engineering is the agent.
8 This is going to be very similar to other
9 dredging projects in the area that we have by Jackson County
10 Board of Supervisors.
11 This shows the bayou where they're going to be
12 dredging.
13 This is a little bit closer up. It's hard to
14 see, but this is -- you can tell where the land is and where
15 the water is.
16 They will be dredging a total of 20,620 cubic
17 yards. This material will be used for beneficial use in
18 accordance with Mississippi Code 49-27-61 if it's appropriate.
19 And that includes not only if it's clean enough, but also if
20 it's the appropriate type, size, grain size, things like that
21 are now analyzed, as well.
22 And they are also requesting a ten year
23 maintenance dredging agreement.
24 This is a diagram showing the actual path that
25 they will take. These are the established navigation channels.

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1 The project will not change the locations of the
2 channels and should not affect the natural scenic qualities.
3 Public notice ran in the Sun Herald as required
4 and also on our website.
5 Department of Archives & History has no
6 reservations.
7 DEQ is still reviewing the project.
8 And the Secretary of State has no objections.
9 I forgot to say there were no negative comments
10 received.
11 So based on our evaluation, we have determined
12 that this does serve a higher public purpose, and we recommend
13 approval of the project, and we request that the county notify
14 the department if any maintenance dredging is required in the
15 next ten years.
16 DR. ASPER: Any questions? Is there a motion?
17 MR. DRUMMOND: What do they intend to do with
18 the spoils?
19 MS. BRANTLEY: I'm not sure at this moment. It
20 may be appropriate for some use out at Deer Island, but they're
21 not sure right now if it's appropriate or not.
22 DR. ASPER: Come to the podium and state your
23 name, please.
24 MR. GIBSON: I'm Jason Gibson with Seymour
25 Engineering.

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1 It will be beneficial use. We are having the
2 material tested as we speak, so we'll know in just a few weeks
3 as to whether or not it meets the requirements.

4 MS. BRANTLEY: And that's kind of a new thing,
5 just went into effect this last July. So, you're hearing about
6 that, and it's sort of new, but we do have a beneficial use
7 group, which is not only DMR, but the Corps of Engineers,
8 National Marine Fisheries, Wildlife, Fisheries & Parks, the
9 federal U.S. Fish & Wildlife. We have people from Senators'
10 offices who come participate, both locally and -- I mean, state
11 and federal level. So we have a lot of participation in that.
12 Also Secretary of State's office. And they will be reviewing
13 these projects. When you hear that it's going to be used for
14 beneficial use in accordance with that new statute, that is the
15 group that will be reviewing that and determining if they have
16 a good place to send the material.

17 DR. ASPER: Is there a motion?

18 MR. BOSARGE: I make a motion that we adopt the
19 staff's recommendations.

20 MR. GOLLOTT: Second.

21 DR. ASPER: Motion made and seconded. Those in
22 favor say aye. Carries unanimously. Thank you.

- 23 c. MS Department of Marine Resources MS
- 24 Beneficial Use Dredge Material Program
- 25 d. MS Department of Marine Resources MS

1 available capacity has been filled. And the applicant is also
2 requesting a variance to the guideline in the Mississippi
3 Coastal Program.

4 This is a diagram of the berm project. This is
5 where the dredge material will be held and then the dark line
6 is the dike that will contain it. And over here is the 600
7 feet that may or may not be installed. And the hatched part is
8 the chenier habitat.

9 The next project is also by the Mississippi
10 Department of Marine Resources Beneficial Use of Dredge
11 Material Program. This one is on the Escatawpa River adjacent
12 to Highway 613 in Moss Point, Jackson County.

13 It's in a general use district.

14 The yellow thumbtack shows the location of the
15 proposed project right next to the highway.

16 The applicant is requesting authorization to
17 create another beneficial use site for dredge material by
18 depositing 24,000 cubic yards of dredge material. This will
19 restore ten acres of tidal low and high marsh. And the
20 applicant is also requesting a variance to the Mississippi
21 Coastal Program.

22 This is a diagram of this project. This is
23 where the material will be deposited and the marsh will be
24 restored.

25 The decision factors for this project:

1 Beneficial Use Dredge Material Program

2 MS. RAY: Good morning. My name is Rebekah Ray,
3 and I will be presenting the next two projects together because
4 they're both proposed beneficial use dredge material sites and
5 they have many of the same decision factors. But at the end,
6 there will be two motions.

7 This is a permit request by the Mississippi
8 Department of Marine Resources Mississippi Beneficial Use
9 Dredge Material Program.

10 It's on Deer Island near Biloxi in Harrison
11 County, and it's in a general use district.

12 The yellow thumbtack shows where the project is
13 located on Deer Island.

14 The applicant is requesting authorization to
15 create a beneficial use of dredge material site. It will
16 create approximately 50 acres of tidal salt marsh and
17 associated chenier habitat. It will be constructing a dike
18 3,200 feet in length and 12 feet in width with an approximate
19 five to one slope.

20 The dike (inaudible) additional 600 feet and
21 connecting it to Deer Island depending on the need to protect
22 against wave action.

23 The intent is to contain approximately 200,000
24 to 400,000 cubic yards of dredge material between the dike and
25 the island. This will occur over a ten year period until all

1 This project serves a higher public purpose by
2 creating beneficial use areas for dredge material in accordance
3 with Mississippi Code 49-27-61 and by creating marsh and
4 chenier habitats.

5 These projects are allowable within the general
6 use district.

7 Both of these projects are requesting a variance
8 to Chapter VIII, Section 2, Part III.0.1 of the Mississippi
9 Coastal Program which states permanent filling of coastal
10 wetlands because of potential adverse cumulative environmental
11 impacts is discouraged.

12 The applicant justified this under Chapter VIII,
13 Section 2, Part I.E.2.c.i, that impacts on coastal wetlands
14 would be no worse than if the guidelines were followed.

15 This proposed filling of waterbottoms will
16 support ecological restoration and therefore has a positive
17 environmental impact, specifically the creation of tidal marsh
18 and upland habitat in an area of open water and shallow
19 waterbottoms.

20 The filling of state waterbottoms has been
21 approved in the past with projects of higher public purposes.
22 Therefore, these projects are not expected to set any
23 precedent. The beneficial use sites will continue to be
24 classified as coastal wetlands and state owned.

25 There will be a temporary increase in turbidity

1 during disposal operations and a loss of benthic organisms
2 within the area. There will be a positive impact with these
3 projects by restoring habitat that have experienced significant
4 loss and degradation and that provide important nursery habitat
5 for many commercial and recreational fisheries species.

6 The Deer Island project is intended to
7 complement other significant efforts being made to restore
8 critical habitats on Deer Island and restore its historical
9 footprint which in 1850 was roughly twice its current 400 acre
10 size.

11 These projects could lead to further natural
12 improvement of marsh species in the surrounding area. The
13 beneficial use projects could be expanded upon in the future
14 depending upon the availability of suitable material. And any
15 expansions would require commission approval.

16 The adverse impacts to be avoided for Deer
17 Island: If the dike does not rejoin Deer Island, temporary
18 turbidity devices will be used in the area as needed during
19 construction based upon visual observations of significant
20 volumes of high turbidity leaving the project area by DMR or
21 partner beneficial use group personnel. The dike and chenier
22 habit along the north shore of Deer Island in concert with the
23 shoreline will serve as the remainder of the containment.

24 The adverse impacts for the Escatawpa River to
25 be avoided: The Escatawpa River area because of no containment

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1 or turbidity control, the material will be placed
2 intermittently over a short period of time. Various historical
3 images show that high turbidity conditions occur in the
4 Escatawpa and Pascagoula Rivers regularly, and this is not a
5 setting that supports oyster beds or sea grasses.

6 No offsite alternatives have been considered for
7 either of these projects. The Deer Island site is part of the
8 efforts to restore it to its 1850 footprint, and alternative
9 uses for the dredge material would primarily be to place it on
10 uplands on the dredge site or truck it to another upland
11 facility which would fail to provide for the restoration of
12 tidal marsh habitat in the vicinity of the project as required
13 by Mississippi Code 49-27-61.

14 The creation of tidal marsh does require a
15 waterfront location.

16 These projects involve the creation of marsh and
17 chenier habitats that are native to the area and should either
18 improve or have no adverse impact on the scenic qualities of
19 the area.

20 The Deer Island project went out on public
21 notice as required. No public comments have been received.

22 DEQ is currently reviewing the project.

23 Department of Archives & History has requested a
24 cultural resource survey for the project location.

25 And the Secretary of State's office has stated

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1 that the public trust status and ownership would not be
2 affected by this project and that inclusion of this site within
3 coastal preserves would enhance its conservation status.

4 The Department of Wildlife, Fisheries & Parks
5 recommended surveys be conducted for nesting shorebirds prior
6 to and during construction of the proposed project throughout
7 the active nesting season of April through August. However,
8 there is no nesting habitat within this area.

9 The Escatawpa River Project has gone out on
10 public notice as required. No public comments have been
11 received.

12 Department of Environmental Quality and the
13 Department of Archives & History are currently reviewing the
14 project. And the Department of Wildlife, Fisheries & Parks has
15 recommended that best management practices be used.

16 The recommendation for Deer Island: Based on
17 the results of the evaluation, it has been determined that the
18 project is consistent with the Mississippi Coastal Program and
19 serves a higher public purpose by creating a beneficial use
20 area for dredge material and creating 50 acres of tidal marsh
21 and associated chenier habitat. Therefore, staff recommends
22 approval of the project and variance request contingent on
23 approval from Archives & History and water quality
24 certification from DEQ.

25 DR. ASPER: Any questions?

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1 MR. GOLLOTT: Mr. Chairman, I make a motion that
2 we adopt the recommendation of the staff with this project. I
3 think it's a very good project.

4 DR. ASPER: Is there a second?

5 MR. BOSARGE: Can I ask a question?.

6 DR. ASPER: Let's get a second first.

7 MR. TAYLOR: Second.

8 DR. ASPER: Go ahead.

9 MR. BOSARGE: Just so I understand correctly,
10 basically what we're doing is creating two sites to put dredge
11 material. The project is over 25,000 cubic yards I believe,
12 and then the person wherever the dredge project may be, the
13 person could use this site for a fee and then it would be a
14 beneficial use. Is that what I understand?

15 MS. RAY: Yes.

16 MR. BOSARGE: Okay. Good.

17 MR. DRUMMOND: There's a cost associated with it
18 like 50 cents per cubic yard or something?

19 MS. RAY: There are (inaudible), but one would
20 typically would be for disposal of the dredge material.

21 MR. RAMSEUR: My name is George Ramseur.

22 Currently the legislation is set up so that if DMR prebuilds a
23 site and has an investment in that site, we can charge for
24 placement of the material going into it and recover our costs.

25 Right now, both of these sites are scheduled to

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1 be built with funds coming from the dredging entity. So as
2 long as they pay their own way, we are considering like kind
3 work as payment.

4 Does that --

5 MR. DRUMMOND: Thank you.

6 DR. ASPER: Further questions, comments? The
7 motion is made and seconded. Those in favor say aye. Any
8 opposed? Carried unanimously.

9 MS. RAY: This is the recommendation for the
10 Escatawpa River project. Based on the results and evaluation,
11 it has been determined that the project is consistent with the
12 Mississippi Coastal Program and serves a higher public purpose
13 by creating a beneficial use area for dredge material and
14 restoring ten acres of tidal marsh. Therefore, staff
15 recommends approval of the project and the variance request
16 contingent on approval from Department of Archives & History
17 and water quality certification from DEQ.

18 DR. ASPER: Is there a motion?

19 MR. DRUMMOND: I make a motion that we go along
20 with the recommendation of the staff.

21 MR. GOLLOTT: Second.

22 DR. ASPER: Any further discussion?

23 MR. BOSARGE: One more question. Is it just
24 folks that are over the 25,000 cubic yards, or is it anybody
25 that wants to participate in the program?

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1 penetrable. The original permit was 24 feet in length and four
2 feet in width and modified to 30 feet in length and four feet
3 in width. The original permitted structures had a total
4 shading of 1,920 square feet, and the new modified structures
5 have a total shading of 2,016 square feet.

6 This is a diagram of the proposed project. It
7 has the same layout as what was presented in February. Only
8 the dimensions have changed on some of the piers.

9 This is a closeup of the boathouse and piers on
10 the point.

11 The decision factors are pretty much all the
12 same as the February commission, so I'm going to just go
13 through these real quick and point out that the current size
14 precedent is 2,016 square feet, and this project meets it
15 exactly.

16 The project did go out on public notice as
17 required, and no public comments have been received.

18 DEQ and Department of Archives & History are
19 reviewing the project. And the Secretary of State is requiring
20 a tidelands lease.

21 Staff recommends that based on the results of
22 evaluation it has been determined that the project is
23 consistent with the Coastal Program. Therefore, staff
24 recommends approval of the project.

25 DR. ASPER: Questions?

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1 MS. RAY: The only ones that are required to be
2 considered for it are the ones over the 2500.

3 MR. BOSARGE: Twenty-five hundred or 25,000?

4 MS. RAY: Twenty-five hundred.

5 MR. BOSARGE: Thank you.

6 DR. ASPER: Anything else? Those in favor say
7 aye. Carries unanimously.

8 e. John Koerner

9 MS. RAY: The next project I have is a permit
10 modification by John Koerner. This was presented at the
11 February commission. It's on the Bay of St. Louis at 140 Holly
12 Point Road in Pass Christian, Harrison County. It's in the
13 general use district, and Patrick Chubb of PAC Services is the
14 agent for the project.

15 The yellow thumbtack shows the location of the
16 project north of Highway 90.

17 The applicant is requesting to modify some of
18 his existing permitted project.

19 This list of permitted structures and the
20 modifications he's requesting is to the access pier which was
21 originally permitted for 16 feet by six feet, and he's
22 requesting to go to 24 feet in length by six feet in width, as
23 well as the pier that was originally permitted 64 feet in
24 length and six feet in width modified to 80 feet in length and
25 six feet in width, as well as another pier that was light

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1 MR. BOSARGE: Yes. In the modifications, he
2 didn't exceed the shaded areas or anything, so it's all kind of
3 like it was, he just changed his plans a little bit?

4 MS. RAY: He's increasing his shading, but it
5 will not exceed the set precedent.

6 MR. BOSARGE: Okay. I make a motion we accept
7 staff's recommendation.

8 MR. DRUMMOND: Second.

9 DR. ASPER: Those in favor say aye. Carried
10 unanimously. Thank you.

11 f. Dona Stephens

12 MR. COLE: Good morning. My name is Ron Cole,
13 and I'll be presenting permitting's last project. It shouldn't
14 take much longer than about 45 minutes or so.

15 This is a violation/after-the-fact general
16 permit by Dona Stephens. It's on an unnamed canal adjacent to
17 Fort Bayou in Ocean Springs. It's in the general use district.

18 Here you can see an overall aerial of the
19 project location. It's to the east of Highway 609 and between
20 I-10 and Highway 90.

21 Here you can see a closer aerial of the project.
22 And this is a bulkhead constructed without a permit. And you
23 can see the red line there is approximately where the bulkhead
24 is located.

25 Project description: A 46 foot bulkhead is

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1 being constructed without a permit.

2 On March 30, we received a report that a
3 bulkhead had been constructed without a permit.

4 On the 31st, we went out and took a look and, in
5 fact, there was a bulkhead constructed without a permit, and we
6 informed Ms. Stephens that she needed a permit to conduct such
7 activities. And she filed for an after-the-fact application
8 shortly after that.

9 Here you can see a picture of the bulkhead.

10 This is another picture from a different angle.

11 And our staff recommendation is to approve the
12 after-the-fact permit because the structure does meet general
13 permit guidelines and in this case issue a fine to the
14 contractor since he has previous experience with the permitting
15 process. And I'll get into his previous experience in just a
16 second here.

17 The violation was discovered on the 31st of
18 March. It's been (inaudible) for 19 days. The maximum
19 potential fine would be \$9,500; minimum fine of \$50.

20 Our recommended fine is \$2,500 to the
21 contractor.

22 And our decision factors that we based that on
23 are the fact that the contractor was involved with similar
24 violation back in I believe 2008 with another commercial
25 project that was Anatole Bay Condominium complex on Popps Ferry

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1 Road in Biloxi. In that circumstance, the homeowners
2 association there was fined \$2,000, but the contractor was
3 informed that that type of work does require a permit, and from
4 that point on he should have known to get a permit for
5 conducting these type activities.

6 And our other decision factor is you approve the
7 permit because it does meet our guideline.

8 DR. ASPER: Any questions?

9 MR. BOSARGE: Is the contractor here?

10 MR. COLE: The contractor is not here. His name
11 is Brandon Parnell of Parnell Shoreline Services, I believe is
12 the name. And he did, in fact, tell the property owner in this
13 particular situation that they did not need a permit.

14 The property owners is here, and I believe she
15 may want to say a word.

16 MS. CHESNUT: Excuse me, Ron. Was the
17 contractor notified that this project was coming up before the
18 commission today?

19 MR. COLE: He was. He was sent a certified
20 letter. I haven't received the certification back yet, but he
21 was sent a letter via certified mail.

22 MS. STEPHENS: I'm Dona Stephens. I essentially
23 let him convince me that I did not need a permit. And in
24 hindsight which is always 20/20, I realized that I should have
25 gotten one. And I'm sorry.

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1 His father and his brother have agreed to tear
2 out the offending bulkhead because it is such shabby
3 workmanship that it's not tolerable. And so we are asking for
4 a permit to do it and do it right this time.

5 MR. COLE: And I guess I should have pointed out
6 in there that his will be actually for the reconstruction
7 because that bulkhead is constructed poorly, so that would be
8 to remove that bulkhead and replace a new bulkhead.

9 MS. STEPHENS: And the bulkhead wa permitted
10 originally. It just had rotted away. We had a permit to do
11 it, and I was convinced that since I was only replacing a
12 preexisting structure, repairing a preexisting structure, that
13 I didn't need a permit. My bad.

14 DR. ASPER: Questions? Motion?

15 MR. GOLLOTT: Mr. Chairman, I think we need to
16 table this thing until next meeting and contact the contractor
17 because I'm thinking \$2500 is way too cheap. I'm thinking
18 \$10,000. So I think we ought to give him a chance to come here
19 and tell us why he thinks he didn't have to have a permit.

20 DR. ASPER: Is that going to give us problems
21 with our timing on these things? It's a violation, so I
22 believe --

23 MR. COLE: I don't believe we are going to run
24 into time table problems with this one. The violation, there's
25 no time table on it. The after-the-fact general permit should

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1 be in correlation with the violation. If I'm not mistaken,
2 that will all be tied together, and there would be no time
3 line.

4 MR. GOLLOTT: Let me modify that. Let's go
5 ahead and issue the after-the-fact permit for this project and
6 table the fine until next month.

7 MR. DRUMMOND: I'll second.

8 DR. ASPER: Further discussion? Those in favor
9 say aye. Carried unanimously. Thank you.

10 J. Administrative Services

11 2. Financial report

12 DR. ASPER: We have our financial report, I
13 believe.

14 MR. DOSTER: Good morning, commissioners, Chief
15 Chatagnier, and Sandy. My name is Tom Doster. I'm filling in
16 for Kara Vesa this morning.

17 The total DMR budget for 2011 was \$6,266,493.
18 The remaining balance is \$329,380. The total tidelands budget
19 for 2011 was \$7,429,565. And all of those funds have been
20 obligated.

21 Are there any questions?

22 DR. ASPER: Thank you, Tom.

23 On the agenda we have an I-4, legal, Joe
24 Runnels, but it does not say all items current. Do you have
25 something on the agenda?

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1 MR. RUNNELS: No, I don't.
 2 DR. ASPER: Okay. Thank you. Is there any
 3 other business or a motion to adjourn?
 4 MR. DRUMMOND: I make a motion we adjourn.
 5 MR. GOLLOTT: Second.
 6 DR. ASPER: We're adjourned.
 7 (Meeting adjourned 11:50 a.m.)
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1 BEFORE THE COMMISSION ON MARINE RESOURCES

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COURT REPORTER'S CERTIFICATE

8 I, Norma Jean Ladner Soroe, Certified Shorthand
 9 Reporter, do hereby certify that to the best of my skill and
 10 ability I have reported the meeting of the Commission on Marine
 11 Resources and that the foregoing 109 pages constitute a true
 12 transcription of said meeting held on the 19th day of April
 13 2011.

14 I do further certify that my certificate annexed
 15 hereto applies only to the original and certified transcript.
 16 The undersigned assumes no responsibility for the accuracy of
 17 any reproduced copies not made under my control and direction.
 18 Witness my signature this the 5th day of May 2011.

