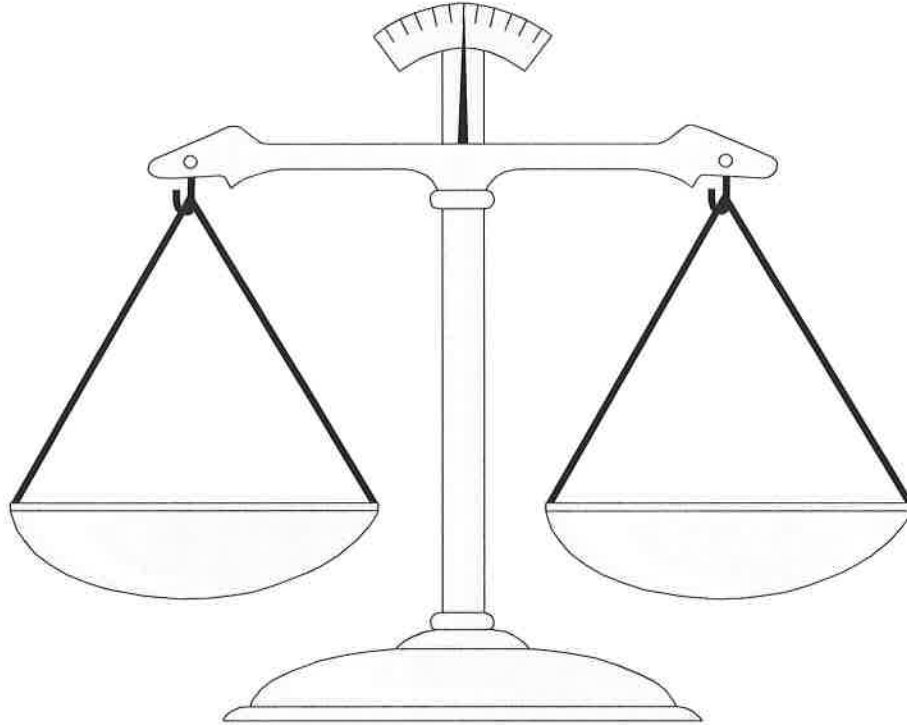


Compressed Transcript



COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

October 18, 2011

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

COMMISSION ON MARINE RESOURCES

MEETING OF COMMISSION ON MARINE RESOURCES

October 18, 2011

TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW AVENUE, BILOXI, MISSISSIPPI, ON THE 18TH DAY OF OCTOBER 2011 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.

COMMISSION MEMBERS PRESENT:

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

ALSO PRESENT:

DR. WILLIAM WALKER, Executive Director DMR JOSEPH R. RUNNELS, ESQ., Asst. Attorney General SANDY CHESNUT, ESQ., Asst. Attorney General

And then Item H-3(b) we need to ask you if would remove that from the agenda. The applicant has formally requested an extension in time and has promised to have written request here before the end of the day.

DR. ASPER: Okay. Any other changes?

Is there a motion to approve the agenda as modified with the addition of E-1 and the removal of H-3(b)?

MR. GOLLOTT: So moved, Mr. Chairman.

MR. DRUMMOND: Second the motion.

DR. ASPER: Those in favor say aye. The modified agenda is approved.

D. Public Comments

DR. ASPER: Next we move on to the period of public comments. And in order to participate in this, you're asked to fill out a form in the back. And we're going to restrict each speaker to a maximum of three minutes. If you have something you would like to bring to our attention, especially if it's not on the agenda, please fill one of those out, and I believe somebody is going to bring me the list.

None? Nobody filled out a form?

Okay. We have three speakers under the fisheries section, so those folks don't need to fill out a form.

While we have a minute, I'd like to welcome a special guest. Shane Gillespie is here. He is a Poplarville

A. Call to Order

DR. ASPER: Good morning. I'd like to welcome everybody to the regular October meeting of the Mississippi Commission on Marine Resources. If those of you who are standing in the back would care to take a seat, that would be great. We've got plenty of excellent seats here in the front. They don't cost any extra. You can just help yourself. And there should be plenty of agendas in the back there so you can follow where we are going.

B. Approval of Minutes Commission Meeting

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

MR. GOLLOTT: So moved, Mr. Chairman.

MR. DRUMMOND: Second.

DR. ASPER: All in favor say aye.

C. Approval of Agenda

DR. ASPER: And next agenda item is the agenda. Are there some changes?

DR. WALKER: Yes, sir, Mr. Chairman, there are two.

One is, we need to add Agenda Item E-1 which is a resolution that we will ask you to consider adopting in support of the Restore the Gulf Acts that are going through U.S. Senate and the U.S. House of Representatives.

High School student who is shadowing me for the day, so I have to be on my best behavior, and I told him I have to pretend like I'm working today.

DR. WALKER: I may add, Mr. Chairman, that Mr. Gillespie was one year old when Dr. Asper was appointed the chairman of this commission. Not that he's been here very long.

DR. ASPER: Thanks for making my day.

Okay. Looks like we have just one. Johnny Trong (ph.). Please come to the podium and state your name clearly, and you have at least three minutes to tell us what's on your mind.

MR. TRONG: My name is Johnny Trong. And I'll make this brief.

My concern is a few days ago in the local media, local news channel, and the newspaper reported that there was tar balls on Horn Island.

My biggest concern not only for the fishemans (sic) because their livelihood depends on the Gulf of Mexico because it's basically our economic engine of this area, but it's also the concerns of the citizens that live along the Gulf Coast.

Oil beneath the surface of the ocean is just as damaging as oil that's on the shoreline. So my concern is: What are we doing to mitigate this damage? Not only that, but

1 what are we doing to bring awareness to our fishermens (sic) so
2 that they we can bring safe seafood to the harbor?

3 DR. ASPER: Thank you for your concerns, Johnny.
4 We are also very concerned about that. I can
5 tell you a couple of things about that.

6 One is that it's really hard to detect oil on
7 the sea floor. Most of the methods that we use to detect oil
8 in the ocean are optical. That means they have to be able to
9 see through the water. So none of them work in the murky water
10 near our islands and coast, so it's really hard to do.

11 But what is going to happen in the next couple
12 of months is that BP has sponsored a program called the Gulf
13 Research Initiative. And it's a \$500 million dollars over ten
14 years program to study exactly this kind of problem and also
15 look at the best ways of restoring the fisheries and dealing
16 with the ongoing impacts of the spill.

17 About six and a half million dollars of that
18 money is coming to University of Southern Mississippi, and we
19 are going to be going out and doing all kinds of really
20 interesting research projects specifically looking at oil on
21 the sea floor.

22 So help is on its way. It's going to be slow,
23 and it's going to be a little tedious because it takes a while
24 for these research programs to spin up and then results to come
25 in. But we are very much aware of the problem, and we're doing

5

1 MR. TRONG: Thank you.

2 DR. ASPER: Last call for public comments.

3 MR. TAYLOR: Vernon, do you know if the oil --
4 the tar balls have been tested to see it is from The HORIZON or
5 not?

6 DR. ASPER: Some of them have, yes. And for the
7 most part, it sort of looks like that's where it's coming from.
8 But what to do about it is really unclear at this time.

9 DR. WALKER: Mr. Chairman, before we get off
10 this subject, let me just say that Mr. Trong brought up seafood
11 safety.

12 I want to make sure that folks understand that
13 while tar balls, which is weathered oil, are going to be
14 washing on the shore of our barrier islands for a long time,
15 probably years, the seafood from the Mississippi area and
16 adjacent areas has been tested more than any food product in
17 the history of this country. And there's never been a single
18 sample that has come back contaminated at any level near the
19 level of concerns that are out there that have been established
20 by the Food & Drug Administration.

21 So seafood in Mississippi and seafood from the
22 Gulf is safe to eat.

23 DR. ASPER: Thank you.

24 MR. POWER: My name is Jeffrey Power. I'm a
25 commercial fisherman myself.

7

1 everything we can.

2 MR. TRONG: Another thing I want to kind of
3 bring up is: How could we put the fishermens (sic) to work?
4 Like, how can they take part in being a part of this research?
5 Because right now, none of them are working. Like, there's
6 nothing out there for them to harvest. So how can we employ
7 these fishermens (sic)? Or like is there -- who can we report
8 to so that they can start a signing up process? All of them
9 are qualified. They know the waters out there. They know all
10 the routes. So how can we employ these fishermens (sic) that
11 are available to work?

12 DR. ASPER: That's a really good question. One
13 of our limitations in doing this research, especially in
14 shallow water, is research vessels because in the academic
15 world, we don't have very many vessels that can get us out
16 there to get bottom samples. And I believe you do.

17 MR. TRONG: Yes.

18 DR. ASPER: Maybe we need to get together and
19 discuss possible collaboration. That would be a really useful
20 collaboration for a lot of reasons. So we can talk about it
21 afterwards.

22 MR. TRONG: And with this excess amount of funds
23 available, you know, it can definitely help the fishermens
24 (sic) in this time of need.

25 DR. ASPER: Okay.

6

1 And I just have to ask -- I would just like to
2 ask y'all one question.

3 A few days ago, there on the news, too, they was
4 talking about the larvae that the shrimp and the other
5 crustaceans live off of and them being mutated.

6 And I would just like to know if y'all know
7 anything about this. Are they doing any research on this?
8 Because the shrimp that left that go out to spawn or whatever,
9 they can come back. And it wasn't because of the water, the
10 floods. The shrimp weren't there beforehand before the
11 floodwaters came.

12 And I'd just like to know: Do y'all have any
13 input on that or y'all know anything about these -- this larvae
14 that's being mutated that the shrimp are living off of?

15 DR. ASPER: We read about that. I'm not
16 personally aware of any research that's being conducted, but I
17 expect the folks at Gulf Coast Research Lab are on top of it
18 because that's the group that would be doing that.

19 MR. POWER: Well, it seems if that's the case,
20 then shouldn't that be a big red flag that if that's the food
21 source for our shrimp and it's being mutated, then something's
22 happening to the shrimp itself?

23 DR. ASPER: If that is indeed the case, yes,
24 that would be a concern. It's one of the many things that are
25 reported that we have to check out.

8

1 Thank you.
 2 Mark?
 3 MR. STEWART: How you doing this morning? Mark
 4 Stewart, commercial fisherman.
 5 I just want to make a couple of comments
 6 basically. There's a lot of stuff going on with deformed
 7 shrimp and all kind of no eyes and no tails and no legs and
 8 little crippled legs on the bottom of them. And, you know,
 9 stuff to do genetically changes with the bull minnows and
 10 stuff. And we are not seeing any shrimp.
 11 Are any of these things a concern besides
 12 seafood safety?
 13 Everything looks good. It don't look good in my
 14 world.
 15 DR. ASPER: All of these things are concerns.
 16 All I can say is that we check out all of the reports that we
 17 have. We do routine sampling. We are doing what we can to try
 18 to understand exactly what's going on.
 19 MR. STEWART: Yeah, the fishermen would like to
 20 know what's going on, too. We're sitting here doing nothing.
 21 Nobody else is pushing the issue to see what's going on with
 22 us. I mean, I don't know what to think about it. None of the
 23 other fishermen know what to think about it, either. We never
 24 been faced with this before. No shrimp. Three and a half
 25 months I haven't been able to make a dollar. How do you keep

1 paying your bills?
 2 MR. BOSARGE: I've been working with Traci and
 3 Dale over the last few months. I've seen the same thing you're
 4 seeing. And we are working now to do what we can to try to
 5 document this.
 6 We've asked for some additional testing, some
 7 folks to go out and do some tows aboard commercial vessels.
 8 We're working on it, believe me.
 9 MR. STEWART: You can't get much samples around
 10 here. I mean, drag all night for maybe a -- you might get a
 11 hundred pounds if you drag all night the boats that are going.
 12 It's just not right.
 13 MR. BOSARGE: I hear the horror stories. I know
 14 what --
 15 MR. STEWART: There's a lot of stuff being
 16 brought to the people's attention in Louisiana that's not
 17 making it around here. I mean, it's steady on the news about
 18 the deformed shrimp and no shrimp and seafood shops closing
 19 their doors down. If a couple of seafood shops closes their
 20 doors, you know, what are we going to do?
 21 MR. BOSARGE: And part of what we're going to do
 22 today is the trip ticket system. That would definitely help us
 23 to document what's going on in this bay where we can see where
 24 the production is or is not, who's going, what they're doing.
 25 Hopefully we can accomplish that today.

1 MR. STEWART: Yeah. One other thing I wanted to
 2 make a comment on was during Cruisin' the Coast, there was a
 3 pamphlet in there, it's a BP sponsored thing at the Coliseum,
 4 seafood safety. It was sponsored by BP and their partners. It
 5 went on to say the Department of Marine Resources is BP's
 6 partner.
 7 I find that to be a slap in the face. Disgusts
 8 me. BP and their partners, the Department of Marine Resources.
 9 That's a slap in the face to the fishermen.
 10 Thank you.
 11 DR. ASPER: Thank you, Mark. Appreciate your
 12 comments.
 13 We've move on now to the executive director's
 14 report.
 15 E. Executive Director's report
 16 DR. WALKER: I don't have anything this morning,
 17 Mr. Chairman.
 18 DR. ASPER: Who is going to handle E-1?
 19 1. Resolution
 20 MR. RUNNELS: Good morning. This is the
 21 resolution that Dr. Walker added to the agenda earlier and
 22 approved by the commission.
 23 This is Commission on Marine Resources
 24 Resolution Number 101811-01.
 25 Whereas, the Mississippi Commission on Marine

1 Resources is a duly constituted governmental entity created to
 2 serve the great State of Mississippi; and
 3 Whereas, said service includes the management
 4 and enforcement of any matters pertaining to Mississippi's
 5 saltwater aquatic life and marine resources; and
 6 Whereas, the Mississippi Commission on Marine
 7 Resources recognizes the economic importance of the seafood
 8 industry from the Mississippi Sound; and
 9 Whereas, on April 20, 2010, an explosion and
 10 fire occurred on The DEEPWATER HORIZON drilling platform in the
 11 northern Gulf of Mexico causing the loss of life, the
 12 destruction of the rig, and a massive oil spill; and
 13 Whereas, the oil spill has resulted in
 14 environmental damages to the ecosystem and economic damage to
 15 the entire seafood industry in the Gulf of Mexico; and
 16 Whereas, the full effects of the oil spill have
 17 yet to be determined; and
 18 Whereas, resources will be needed for years to
 19 come to continue the process of combating the environmental and
 20 economic damages; and
 21 Whereas, the Restore the Gulf Act of 2011
 22 provides among other things that 80 percent of the Clean Water
 23 Act penalties assessed to BP or any other responsible party be
 24 dedicated to the restoration of the Gulf Coast.
 25 Now therefore be it resolved by the Mississippi

1 Commission on Marine Resources in a duly constituted and
2 assembled meeting that the Commission supports the passage of
3 the Restore the Gulf Act of 2011 and calls for the swift
4 passage and enactment of this very important legislation.

5 DR. ASPER: Thank you, Joseph.

6 I just want to comment that this is really an
7 excellent piece of legislation, and we look forward to
8 hopefully seeing it passed and seeing the impacts on our issues
9 here, that the issues that have been brought up this morning
10 about the impacts of the oil are long term impacts. Those
11 studies require money, and the State of Mississippi doesn't
12 have money. So we've got to find sources other places. And
13 what this is asking is that when BP is fined for what they did,
14 and they will be, when that fine money is disbursed, that -- I
15 think it's asking for 80 percent of it to go back to the
16 affected states.

17 So we're asking for basically a large sum of
18 money to come back here, and it's restoration money. So that
19 means that within certain limits, the states will get to decide
20 how to use that money to restore the damage that was done,
21 including the damage to the fisheries.

22 So this is one of many things that we're trying
23 to do to generate some funding to solve these problems. And I
24 would, among I'm sure many others here, recommend that we pass
25 this.

1 fish. I don't know what you can do with a nine inch lemon fish
2 other than fertilize the plants with it.

3 We had a few cases with the sharks had the head
4 and tails removed before they came in. And possession of red
5 snapper during the closed season.

6 Boat and water safety violations are about the
7 same. We had two boating accidents with injuries. One was a
8 capsizing in Jackson County. And I believe a dove hunter
9 coming back from one of the islands hunting doves, sunk his
10 boat, lost his gun. The other one we had a sinking at the CSX
11 Railroad bridge in Biloxi.

12 The JEA patrols, we did 37, used 643 man hours,
13 made 285 contacts, wrote two enforcement action reports in
14 federal waters. One of those I believe was a sewed up TED.
15 And we issued 12 state citations during that patrol.

16 That's it for marine patrol activity report.

17 MR. TAYLOR: I had two people tell me they had
18 got stopped by some of your officers this past month, and they
19 were very courteous, and neither one got a citation. They had
20 everything. But they were very courteous.

21 And a lot of times all you hear is especially
22 with police officers or enforcement officers that -- you know,
23 the bad things. But when we hear something like that, we need
24 to bring it -- I forgot to get the names of the two officers.

25 MR. CHATAGNIER: Thank you. We want them to be

1 Any other comments?

2 MR. GOLLOTT: Mr. Chairman, do we need a motion
3 on this?

4 DR. ASPER: We certainly do.

5 MR. GOLLOTT: I'll make the motion that we
6 accept this.

7 MR. TAYLOR: Second.

8 DR. ASPER: Any further comments? Those in
9 favor say aye. Thank you very much. Passed unanimously.

10 Move on now to marine patrol. Chief.

11 F. Marine Patrol

12 2. Marine Patrol Report

13 MR. CHATAGNIER: Walter Chatagnier. Good
14 morning, Dr. Asper, commissioners, Dr. Walker.

15 Marine patrol has been busy. One of the
16 violations that picked up quite a bit this last period was crab
17 violations, the possession of sponge crabs, nonresident
18 license, undersized crabs, unmarked crab traps, larceny of
19 crabs and crab pots.

20 Fishing violations remain about the same as they
21 have been. Still getting our share of people that won't buy a
22 fishing license resident and nonresident.

23 Few undersized speckled trout cases and
24 undersized flounder, red drum, undersized cobia. I mean, that
25 was really way out of line. Somebody kept a nine inch lemon

1 courteous. They actually work for these people behind us.

2 MR. BOSARGE: I see we had three dead dolphins.

3 MR. CHATAGNIER: Yes, sir. I noticed that on
4 the report, too. I was gone for a pretty good bit of the month
5 on vacation, and I didn't get an update on that. But that's
6 not un-normal sometimes.

7 MR. BOSARGE: Adult dolphins?

8 MR. CHATAGNIER: I don't know if they were
9 adults or juveniles. I honestly don't know.

10 DR. ASPER: Any other questions?

11 Okay. On to the next item.

12 3. Title 22 Part 4

13 MR. CHATAGNIER: All right. Let me put my
14 glasses on so I can see where I'm at.

15 This is Title 22 Part 4. This came to y'all
16 last month on the proposed change for Sections 103 and 107 to
17 remove the word Mississippi so we could allow recreational crab
18 trap fishermen to check their crab traps from a boat that's not
19 registered in Mississippi.

20 The notice of intent went out, publicized.

21 We had one respondent. That was the CCA, and
22 they were in favor of it.

23 The public participation portion criteria was
24 not met to make it go out to a public hearing.

25 So what I'm asking today is a motion for the

1 final adoption of the proposed rule to allow recreational
2 fishermen to check their crab traps without having to be in a
3 Mississippi registered vessel.

4 MR. TAYLOR: I'll make the motion.

5 DR. ASPER: Is there a second?

6 MR. BOSARGE: Yes, sir, I'll second.

7 DR. ASPER: So the motion is made to modify
8 Title 22 Part 4 to remove the word Mississippi.

9 Any further comments? Those in favor say aye.
10 Those opposed. Carries unanimously.

11 MR. CHATAGNIER: Thank you.

12 DR. ASPER: All right. Thank you.

13 Next we'll move on to marine fisheries, I
14 believe.

15 And I want to just take a moment to welcome all
16 of our Vietnamese community here. You're welcome to all of our
17 meetings, of course, but you're especially welcome to be here
18 today. It's good to have you. We need all of the input that
19 you can provide in terms of helping to ensure the success of
20 our fisheries.

21 G. Marine Fisheries

22 MR. JEWELL: Good morning, commissioners, Dr.
23 Walker. Dale sends his apologies. He's attending a Gulf
24 States meeting on behalf of the Department of Marine Resources.
25 Before I get started, I want to make a couple of

17

1 announcements. We have closed the commercial red drum season
2 effective October 15.

3 Additionally, we have set a limited 2011-2012
4 oyster season that's set to open October 24 for tonging only.

5 If there's any questions?

6 If not, I'll move into the portion of the agenda
7 for marine fisheries. And first up is a presentation on the
8 trip ticket program by Ms. Christine Murrell.

9 3. Trip Ticket Program

10 MS. MURRELL: Good morning, everyone.

11 This is Title 22 Part 9 for final adoption.

12 This is the notice of intent which was passed on
13 September 20, 2011.

14 Here is the public notice, the Sun Herald legal
15 notice, the 27th of September, and the mass media release on
16 the 29th of September.

17 This is the web page notice marked for the 20th
18 of September.

19 Public comments. There were four comments
20 received, one from the CCA, two from commercial fishermen, and
21 a petition.

22 This was from the CCA, and generally it is in
23 favor of better data collection for commercial fisheries;
24 however, not really in favor of the trip ticket system. They
25 would like an advisory panel to be formed and maybe look at

18

1 this issue.

2 This was a public comment from -- one was from
3 Don Joost, and it was in favor of trip ticket. The other one
4 was basically just kind of critiquing trip tickets, didn't
5 really come out in favor of them, just wanted to give some
6 information about what would make them better.

7 This is a petition submitted on Friday, October
8 14, 2011. It contained 74 signatures against trip tickets and
9 limited entry.

10 There was a public hearing held October 12 at
11 6:00 p.m. here in this room. We had 161 total participants,
12 and they filled out a sign-in sheet and were asked whether they
13 were in favor of the proposed change. Eighteen said yes, 36
14 said no, 62 were undecided, and 45 did not fill out the sheet.
15 Four people opted to speak. Three of them spoke in favor of
16 the trip ticket program, and one person was undecided.

17 We had a large number of the Vietnamese
18 community come out for the public hearing, and I think there
19 was some confusion about what the meeting was about. I think
20 there was some confusion that maybe we were paying for people
21 to fill out trip tickets as we have in some of our disasters
22 previously.

23 And required is a motion for final adoption of
24 the proposed rule.

25 The summary of changes is changes to MDMR

19

1 Regulation Title 22 Part 9, the fresh product permit and
2 secondary fresh product permit and Chapter 6 which is the
3 reporting requirements.

4 And I can read these -- or would you like me to
5 read through them or just go ahead and discuss?

6 DR. ASPER: I think it wouldn't hurt to read
7 them.

8 MS. MURRELL: Okay. A licensed commercial
9 fisherman may only sell to a seafood dealer/processor. A
10 validly licensed commercial fisherman may sell their catch to a
11 consumer within the state if they have in their possession a
12 fresh product permit obtained from the MDMR. A secondary fresh
13 product permit may be obtained from the MDMR for a commercial
14 fisherman's spouse or family member that will allow them to
15 sell their catch to consumers while the commercial fisherman
16 continues to fish. There will be no fee for this permit.

17 This is the seafood reporting requirements.
18 I'll read it through. Unless otherwise specified, each seafood
19 dealer/processor is hereby required to complete Mississippi
20 trip tickets provided by the MDMR. Commercial fishermen who
21 sell their catch to individuals other than a Mississippi
22 dealer/processor are hereby required to complete Mississippi
23 trip tickets provided by the MDMR and be in possession of a
24 fresh product permit. Commercial fishermen who sell their
25 catch to anyone other than a Mississippi licensed

20

1 dealer/processor or transport their catch out of state are
 2 required to purchase or possess a dealer/processor license and
 3 are required to comply with all regulations governing
 4 Mississippi dealers/processors. All trip tickets shall be
 5 returned to the MDMR or electronically submitted on or before
 6 the 10th of each month for actual transactions from every
 7 commercial fisherman during the preceding month. A trip ticket
 8 summary form that states the total trips taken in a given month
 9 shall be submitted by the 10th of each month by the seafood
 10 dealer/processor or commercial fisherman. The fisherman is
 11 required to provide to the dealer complete and accurate
 12 information necessary for the completion of the fisherman
 13 portion of the trip ticket. This includes, but is not limited
 14 to, commercial fisherman's name, valid license number, date and
 15 area of harvest, trip and fishing time, proper vessel
 16 identification, gear, quantity, and size used and applicable
 17 mesh size if any of gear used, seafood dealer's name, date of
 18 purchase, dealer license number, port and county product was
 19 landed, species being purchased, weight, and any other
 20 applicable standard condition of product, count, or market
 21 grade of purchased seafood product and price paid per unit,
 22 pound, or number per species. The seafood dealer/processor or
 23 fisherman is required to verify the accuracy of the tickets by
 24 signing each ticket. Menhaden seafood dealers/processors shall
 25 provide information on catch in accordance with the

21

1 requirements of the National Marine Fisheries Service.
 2 And those are the two major changes.
 3 MR. BOSARGE: Christine, can I ask a couple of
 4 questions?
 5 Would you put up earlier about the public
 6 comment being -- can you back up to that?
 7 MS. MURRELL: Which one?
 8 MR. BOSARGE: Public comment where you listed
 9 how many people spoke.
 10 I was told and I was under the impression that
 11 there were a lot of folks at that meeting that thought that
 12 meeting was for something other than this trip ticket system.
 13 MS. MURRELL: Yes.
 14 MR. BOSARGE: And I believe a lot of them filled
 15 out a form that they weren't that familiar with. I wonder how
 16 accurate your numbers are. We've got a lot of fishermen in
 17 this room.
 18 Could I see a show of hands the number of
 19 fishermen we have here, actual fishermen?
 20 Could I ask how many of you by show of hands,
 21 how many of you fishermen want trip tickets, actually want a
 22 trip ticket system in place that would actually help to
 23 document what you're seeing right now with no catch in the
 24 Mississippi Sound? We have no system to document what's going
 25 on within the Mississippi Sound.

22

1 (People speaking in audience.)
 2 MR. JEWELL: Commissioner Bosarge, I served as
 3 the hearing officer for that public meeting, and we did
 4 recognize pretty early on that there was some confusion. And
 5 we did have a lady that acted as an interpreter, although she's
 6 not trained as an interpreter. So we recognized pretty early
 7 on that there was some confusion.

8 And so myself and several of our staff explained
 9 to the people that were able to understand early on in the
 10 process as they were checking in what this meeting was about.

11 And then as we elicited public comments, there
 12 was a lady there, Linda Nguyen, we allowed her to speak to the
 13 Vietnamese community and explain to them exactly what the
 14 public hearing was about and the purpose of the trip ticket
 15 program.

16 So we felt at that time that they clearly
 17 understood what the meeting was about and the trip ticket
 18 program. Because at the time, a lot of them were opting to
 19 leave, and I asked her to explain to them that it would be
 20 important for them to stay, that should the commission enact
 21 the trip ticket program it would have an effect on them.

22 MR. BOSARGE: And I believe once the fishermen
 23 understand what this program does in that as in every other
 24 state in the Gulf of Mexico, it tells them who they are, it
 25 tells the state what's going on within those state waters. And

23

1 it's like now, I know it, all those fishermen out there know
 2 it: We've got a problem within the Sound. I don't know what
 3 it is, but we have a dead zone within the Mississippi Sound
 4 that has persisted since the end of June. We have no way of
 5 documenting it. This is one way we can document it.

6 With that --

7 MR. GOLLOTT: Well, you know, it all depends on
 8 how you ask the question. I'm of the opposite opinion. I
 9 can't see why a fisherman would ever want to fill out a trip
 10 ticket.

11 The state collects this information from 90
 12 percent of the dealers right now. And a trip ticket is just a
 13 mirror image of an invoice which we make, and we furnish the
 14 state with the information at the end of the month for our
 15 fishermen. They don't have to stand there after being on the
 16 water for 30 days. They're tired, they're aggravated. All
 17 they want to do is unload their boats, get paid, and go home
 18 and rest.

19 Why make them stand there and fill out some kind
 20 of trip ticket? They're fishing for 30 days. They may fish in
 21 100 different places. How can they tell you exactly where they
 22 fished?

23 MR. BOSARGE: That's --

24 MR. GOLLOTT: Excuse me, sir.

25 The landings, the information is telling us that

24

1 we have a serious problem in Mississippi.
2 You know, our industry has been hit by dock
3 imports, Katrina. We lost 70 percent of the fishing fleet in
4 the Gulf of Mexico. We had the BP oil spill. We had the
5 freshwater diversion. This is the worst white season I've seen
6 or the worst shrimp season I've seen in 30 years that I've been
7 in this thing.

8 Outrageous fuel prices on top of that. The
9 fishermen can't afford to fuel their tank to go out and catch
10 shrimp.

11 You know, I think the only thing that the shrimp
12 industry hasn't been hit with is the bubonic plague, and I'm
13 looking around for that, you know.

14 We have good product. The scientists are
15 working hard on trying to come up with why there's no shrimp.
16 You know, it's terrible when there's not enough shrimp for our
17 recreational bait people to sell bait to the recreational
18 fishermen. That means -- you know, and I've asked the
19 commission to go up in the bay and see maybe if some of these
20 shrimp are up the bay.

21 But it's terrible, I agree with you. But for
22 the love of me, I look at this trip ticket thing, and I don't
23 see -- other than -- we're getting the information now that we
24 need from the processors and dealers. Other than the people
25 that's selling them to recreational and stuff like that, I

1 think we probably need a trip ticket system there. And let's
2 see if that information helps us. But...

3 MR. BOSARGE: It's like -- Commissioner Gollott,
4 it's like right now, if you ask Traci, which I'm sure she will
5 present in a little while, the landings data for the State of
6 Mississippi, it shows there are no problems. Matter of fact,
7 what I can see and what I've heard and what Traci has told me
8 is that our landings are actually up this year over where they
9 were last year.

10 Our testing that we do with the DMR's testing
11 boat shows that there is no problem with the waters of the
12 State of Mississippi.

13 And my argument, of course, with Traci is that
14 the landings reflect shrimp that are caught offshore, and
15 whether they be in the State of Texas, Louisiana, whatever, are
16 landed here in Mississippi. So you're seeing landings from
17 offshore, and then the testing that we are doing is done mostly
18 up in the estuaries where I'm not saying there's not a problem,
19 but there's not as big a problem within the estuaries as what
20 there is out in the middle of the Sound.

21 We have no means, no system in place to show the
22 problem that is there. This is the system. And here's a trip
23 ticket from Alabama. This is one we filled out. I've got one
24 from the State of Florida. We fill them out.

25 MS. MURRELL: We are the only state currently

1 that does not have a trip ticket program.
2 MR. BOSARGE: We are the only state in the Gulf
3 of Mexico south Atlantic that has no trip ticket system.

4 And, you know, me, I was actually asking -- one
5 that asked that this trip ticket, it be mandatory that this is
6 given to the fishermen. It's given to -- all these fishermen
7 fish Louisiana. Every time you go in, you get a trip ticket.
8 That's your receipt. That's who you are. That's what you did.
9 That's your receipt.

10 Anyhow, I just feel like I said before, we got
11 to catch up. We've got to catch up with the rest of the world.
12 This is information that needs to be had. Every fisherman
13 needs it. The state needs it. The feds need it. It's not a
14 big deal. If every other state within the Gulf can do it, we
15 can do it.

16 MS. MURRELL: Funding is many times based on
17 landings. And when you're not collecting all sources of
18 landings, you're missing out on money.

19 And, of course, the information -- it won't be
20 just for shrimp. It will be for everyone.

21 MR. BOSARGE: We have mostly shrimpers here, but
22 it will cover finfish. I think crabs; it will pretty well
23 document crabs. I mean, any commercially landed species, we're
24 trying to get a hold on what's going on within the State of
25 Mississippi.

1 MR. TAYLOR: Can you take -- I asked for the
2 information, say, from a processor, when he gets that
3 information, incorporate it so he doesn't have to fill out a
4 piece of paper? Can it be done at the time when that shrimper
5 comes in, say, to -- I don't know if he's a processor -- I
6 mean, Steve, excuse me -- a processor or Richard or Rudy Lesso
7 or someone, you know, filling a piece of paper out is an
8 unneeded thing. It needs to be done to where it can be
9 transmitted, and we don't have another step with you filling
10 out a piece of paper or entering it in the computer. It needs
11 to be done at the point of contact with the fisherman so that
12 you don't have two or three steps. We're not having a
13 commission to pay someone to fill out, type all that
14 information in the computer, that's all.

15 MR. GOLLOTT: Christine, are you getting the
16 information you need now when you go around to these processors
17 and you collect this information?

18 MS. MURRELL: I'm getting most of it. I'm not
19 getting everything that we would ask for on a trip ticket. And
20 we're also not getting any of the shrimp that's sold off the
21 docks which has become a big amount over the years, especially
22 since the imports have driven the price down.

23 So we're not collecting any of that currently.

24 MR. GOLLOTT: The public hearing and the data
25 shows that the fishermen are not in favor of more paperwork.

1 So I'd like to make a motion that we accept your
2 recommendation on your trip tickets, except Mississippi shrimp
3 processors and dealers that are furnishing MDMR with catch
4 information monthly will be required to continue, and MDMR will
5 be required to collect the information as has been customary
6 for the last decade for the shrimp industry.

7 It will give you everything, and the dealers
8 will be able to give you the information.

9 Now, what I'd like to see, if a shrimper wants
10 to do trip tickets, furnish them to us, and our shrimpers will
11 be asked do you want to fill this out, and we'll let him fill
12 it out, even if they unload from a processor.

13 But the fishermen have a choice. If they want
14 us to do it for them, we'll be able to do it for them.

15 MS. MURRELL: But only for shrimp?

16 MR. GOLLOTT: Only for shrimp processors and
17 dealers.

18 MS. MURRELL: The fishermen that don't sell to a
19 processor, they would be required --

20 MR. GOLLOTT: They still have to fill out a trip
21 ticket.

22 MR. TAYLOR: I'll second the motion.

23 MR. GOLLOTT: That should give you the
24 information.

25 DR. ASPER: So let me just make sure I

29

1 understand what you're saying.

2 For all of the other fisheries, for crabs, for
3 example, for hook and line fisheries, all these other
4 commercial fisheries that we've got going on, the trip ticket
5 program that has been proposed will be instituted.

6 MR. GOLLOTT: Yes, sir.

7 DR. ASPER: Okay. For shrimp, it will be
8 instituted except that the shrimpers themselves will have the
9 option of whether to fill it out or not.

10 MR. GOLLOTT: Exactly.

11 MR. TAYLOR: If they sell to a processor.

12 DR. ASPER: If they sell it from the dock, then
13 they have to fill it out.

14 MR. GOLLOTT: But the dealers and processors
15 will not have any option. They will have to furnish the
16 information as required.

17 (Comments from audience.)

18 DR. ASPER: We can't have comments from the
19 floor because it doesn't get recorded. I'm sorry. We really
20 value your input, but it's a logistical thing here. Sorry.

21 But that's a good question. The question that
22 was asked is what about the location.

23 And the question I have is about effort. One of
24 the concerns we have is how much fishing effort is going on for
25 the amount of product that is captured.

30

1 And I think that's one of the most valuable
2 pieces of information that we can get. I think that's one of
3 the intents of the trip tickets.

4 MS. MURRELL: Correct.

5 MR. GOLLOTT: I don't think a dealer or a
6 processor would have a problem adding that to the report, the
7 effort. They can ask the fisherman a question and fill it in
8 on the report and run it for them.

9 MS. MURRELL: And the areas, it is recorded in a
10 zone. It's not specific areas. It's a very general area.

11 MR. BOSARGE: If we do this in the manner that
12 Commissioner Gollott requests, can we change -- I would be okay
13 with it if two things: If we could change the form that they
14 fill out to where it captures the information we need,
15 Correct? And that also upon the request of the fisherman, he
16 would get a copy of that trip ticket.

17 MR. GOLLOTT: Well, I said the same thing. If a
18 fisherman wants to fill out a trip ticket, we will do it for
19 him, let him sign it, we'll give him a copy, you know, if
20 that's what he wants. But it's an option for a fisherman
21 that's been working hard.

22 MR. BOSARGE: Well, then, can we basically --

23 MS. MURRELL: I have a motion that has an
24 addition. It just says upon request, dealers/processors shall
25 provide fisherman a copy of trip ticket at the time of

31

1 transaction. We would have to add the part about the shrimp
2 dealer/processor not -- well, they wouldn't be filling out a
3 trip ticket. I don't know how that would work.

4 MR. JEWELL: We can do that.

5 MR. BOSARGE: So where are we at?

6 DR. ASPER: Well the motion that's been made and
7 seconded that we basically establish the trip ticket system for
8 all fisheries with the exception that the shrimp, for those
9 shrimpers who are selling to a processor, they have the option
10 of not filling this out.

11 MR. GOLLOTT: Dealer or processor.

12 DR. ASPER: It's a relatively small change, but
13 it's specific to the shrimp fishery and specific to those who
14 are filling -- selling to a dealer or processor, so the feeling
15 is that those data are being captured currently and would be
16 captured by the information provided by the dealer.

17 MS. MURRELL: Just to make sure, if a dealer
18 does buy shrimp in addition to crabs and finfish, he would only
19 have to fill out trip tickets for the crabs and finfish and not
20 the shrimp?

21 DR. ASPER: The dealer still has to fill one
22 out. It's only the fisherman himself who has the option of not
23 filling out the trip ticket.

24 MR. BOSARGE: I don't think that's what
25 Commissioner Gollott asked for. He's basically asking that

32

1 every other fishery and every other person fill out a trip
2 ticket except for the processor and he continues to submit his
3 data in the manner that he submits it in now.

4 And I have to ask, you know, Commissioner
5 Gollott, I would guess, what would be the number of boats that
6 you have working for you now?

7 MR. GOLLOTT: Somewhere around 50, 60 boats.

8 MR. BOSARGE: Fifty boats. And mostly Gulf
9 boats?

10 MR. GOLLOTT: No. It's about 50-50. It's about
11 half.

12 MR. BOSARGE: So, most of the Gulf boats, they
13 start -- they average five trips in a year, that's about it.
14 And most of those trips is -- I say most of them -- for the
15 most part I would say half of those trips are unloaded in a
16 foreign port. I know I was in Port Arthur, Texas, and I saw
17 three of your boats tied to that dock.

18 I guess what my point is: Exactly how many trip
19 tickets do you feel you would be filling out in the run of a
20 year?

21 MR. GOLLOTT: Christine could probably answer
22 that. We don't give trip tickets. We give reports on every
23 boat. It's the count of the shrimp, the price, all of the
24 data.

25 MR. BOSARGE: I was just trying to imagine in my

33

1 we'll revisit it.

2 MS. MURRELL: Okay.

3 MR. BOSARGE: And I'm not saying that she does
4 have problems. I'm just saying that some of the information
5 that she's gathering, she's not getting the information that
6 she needs from the system that's in place. And it's not that
7 there's a problem. I'm sure they're more than willing to work.
8 I just know that there is information that we need.

9 MS. MURRELL: There's other ways we can talk to
10 the fishermen or -- you know.

11 MR. GOLLOTT: I don't think we need that in the
12 motion.

13 MS. MURRELL: I think we can work through it.

14 MR. GOLLOTT: I'd like to leave my motion as it
15 stands.

16 MR. BOSARGE: So you disagree with the motion of
17 just adding to what's already there?

18 MR. JEWELL: If I think I understand what you're
19 asking for is that you would require -- you would ask to amend
20 the motion to acquire additional information that would mirror
21 the trip ticket program.

22 And we can work either way with the commission.
23 We can acquire that -- I think what Commissioner Gollott is
24 saying is that we can work either way. We can work with an
25 amended motion to get that information, or we can do it

35

1 mind how much of a burden it's going to be to fill out that
2 trip ticket. I mean, I see if you take 50 boats, and you take
3 half of those are bay fishermen and half are Gulf fishermen, I
4 can't imagine it being more than maybe one a day at the most of
5 the trip tickets on average.

6 Anyhow, I'm just trying to figure out in my mind
7 why we have -- why the processors don't want to do this. I
8 just can't imagine.

9 But I'm with you. If you don't want to do it, I
10 would like to make an alternate motion where we allow the
11 processors not to fill out, but that we give you the authority
12 to add to their system that they have now that captures effort
13 -- captures some of the things that we need and that also the
14 sentence like you put in there now, add a sentence to what you
15 have now basically that just gives you the authority to add to
16 the reporting they do that captures days at sea, effort,
17 landings, whatever else you may need.

18 MS. MURRELL: Okay. We can do that.

19 I would guess that maybe some of the processors
20 may opt to fill out trip tickets anyway because of
21 traceability, and that's become an issue. So...

22 MR. GOLLOTT: Christine, you've never had a
23 problem working with the processors, asking them for
24 information that they haven't given you. I'd like to leave
25 that voluntary. If it don't work out in a couple of months,

34

1 informally. It doesn't matter. We'll do whichever way the
2 commission wants to move on that. We can do it either way,
3 formally or informally, we can do that.

4 MR. BOSARGE: Can we still leave the part in
5 about if the fisherman requests the trip ticket that you will
6 provide it for him?

7 MR. JEWELL: We can modify this language to upon
8 request for the fisherman, we can do that.

9 MR. BOSARGE: Are you okay with that,
10 Commissioner Gollott?

11 MR. GOLLOTT: Yes. I think that was in my
12 motion that it could be a voluntary thing if the fisherman
13 wants the trip ticket, a dealer or a processor would have to
14 furnish it and take care of it in the proper manner.

15 MR. TAYLOR: Just one other (inaudible) you
16 know, the computer guy that was doing the trip ticket and all.
17 Has there been any progress on that to where again it could be
18 seamless to where it comes direct to y'all?

19 MS. MURRELL: Electronic trip ticket?

20 MR. TAYLOR: Yes. Like, you know, modifying
21 some of the processors' programs to where when he punches in
22 that invoice, it will come straight to y'all and he doesn't
23 have to modify --

24 MS. MURRELL: It depends on what system they're
25 using. But sometimes, yes, it can be incorporated into theirs.

36

1 MR. TAYLOR: (Inaudible) work on that.
 2 MR. BOSARGE: And I believe the trip ticket
 3 system that we're putting in place has a software program that
 4 does just what he's asking for.
 5 MS. MURRELL: Yes.
 6 DR. ASPER: Is that all the discussion?
 7 I think to make this really clear, we ought to
 8 have the official version of the motion read back to us.
 9 Michaela, do you have the official version of
 10 the motion?
 11 MS. HILL: Motion to approve staff's
 12 recommendation to adopt trip ticket system with the exception
 13 of shrimp dealers/processors. Shrimp dealers/processors will
 14 continue to utilize present system with shrimp fishermen
 15 voluntarily completing trip tickets that sell to
 16 dealers/processors.
 17 DR. ASPER: Do we need to make any specific
 18 distinction in there for bait shrimp versus commercial shrimp?
 19 As it's worded there, would this apply to both?
 20 MR. GOLLOTT: No. Bait shrimpers are different.
 21 MS. MURRELL: Yeah. Bait shrimp is already
 22 under a trip ticket system, per se.
 23 MR. BOSARGE: And also upon request dealer will
 24 provide the fisherman with the trip ticket.
 25 MR. JEWELL: Right. We'll put that in there.

37

1 We'll modify that language.
 2 DR. ASPER: Okay. In order to make sure that
 3 all of the Vietnamese community understand this, Jennifer Vu
 4 has offered to come up and in the microphone explain exactly
 5 what we're doing here.
 6 Is she still willing to do that?
 7 Do you want to come up to the microphone just to
 8 make sure that everybody understands what's going on, because I
 9 know we've been going back and forth on this.
 10 MS. VU: Good morning. Again, I'm Thao,
 11 T-H-A-O, my last name is V-U. My American name is Jennifer,
 12 and I'm with the Mississippi Coalition for Vietnamese American
 13 Fishing Folks and Families.
 14 I think the first thing that I wanted to convey
 15 -- should be conveyed is to alleviate a lot of the confusion is
 16 that we should be addressing the language barriers here. And
 17 if we had interpreters at the onset of all these meetings, it
 18 would be greatly helpful. We could have an interpreter using
 19 simultaneous translation equipment that would be interpreting
 20 the same time as, you know, any of the speakers are speaking or
 21 any members of the commission speaking. And that would
 22 alleviate a lot of the confusion because the previous meeting
 23 this last Thursday, the public hearing meeting, majority of the
 24 fishers thought that the meeting was around a program, a
 25 similar program, that DMR implemented right after Hurricane

38

1 Katrina that hired some of the fishermen to do some of the
 2 cleanup work or assessment monitoring work.
 3 They thought it was a similar program where they
 4 were going to get compensated around \$300 a day. That was not
 5 the agenda for that meeting. It was on this proposed trip
 6 ticket and your vote, commission's vote on this.
 7 So I would really, you know, strongly advocate
 8 that you really address the language barrier first. The
 9 majority of the Vietnamese fishermen here, when they arrived in
 10 this country, they didn't get an opportunity to attain a higher
 11 education. They had to work hard to provide and support their
 12 families, and that's why we have a significant population with
 13 language barriers that need a lot of assistance. They need
 14 help with even a basic application.
 15 They thought that the form to fill out for
 16 public comment was some kind of form where they could get
 17 financial help. And that's what happened last Thursday. They
 18 filled out the public comment form, but when it was time to
 19 speak, they were too shy to speak, or they didn't know what to
 20 say. And they thought it was a form where they could get
 21 actual help, and that was not the case.
 22 MR. BOSARGE: That's what I thought. I thought
 23 the results were skewed because they didn't understand the
 24 form.
 25 MS. VU: Yes, exactly.

39

1 And the one thing that's really important is
 2 that the majority of the Vietnamese fishermen that live in
 3 Mississippi, they don't fish here. They actually fish in
 4 Louisiana. There are actually 70 boats that are federal
 5 permitted boats, they all go to Louisiana because they are
 6 shrimping in federal waters and it's deep waters. Okay?
 7 So when you say about when -- and this season
 8 has been really terrible for fishermen. They're not talking
 9 about just Mississippi Sound. They're talking about when they
 10 go to Louisiana and they're not catching over there.
 11 So I think that DMR should be coordinating
 12 efforts with the Louisiana Department of Wildlife & Fisheries
 13 to assess, to gather this data, and to look really closely to
 14 get good accurate data on what's happening, what they're not
 15 catching, or what they're seeing, what they're not seeing.
 16 And I think that's something that you should be
 17 working closely with your counterparts in Louisiana on that
 18 effort.
 19 I would turn around and interpret some of the
 20 things I said.
 21 (Ms. Vu speaks to audience in Vietnamese.)
 22 MS. VU: Okay. And I know I'm going back to the
 23 trip ticket, the proposed trip ticket, and your vote. I know
 24 for the past like 10, 15 minutes it was exchange back and forth
 25 on this trip ticket, and there was some concerns and issues

40

1 raised from the processor.

2 And Mr. Gollott, could you give me what was the
3 final, you know, your concerns or comments on what the
4 responsibilities for the processor?

5 MR. GOLLOTT: Jennifer, I've been very close
6 with the Vietnamese community on that. I'm telling you I'm
7 trying to look out for the Vietnamese community.

8 The only thing I can ask you to do is meet with
9 me after this meeting, and I will explain my position to you,
10 and I think you will understand a lot clearer.

11 MS. VU: They were asking me if, you know, the
12 position for the processors.

13 MR. GOLLOTT: Like I said, I'll meet with any of
14 y'all after the meeting, and I will explain what my position
15 is.

16 MS. VU: Okay.

17 MR. BOSARGE: Could we not have everybody hear
18 what your position is, Mr. Gollott?

19 MR. JEWELL: I think he's already stated his
20 position.

21 MR. GOLLOTT: I told you my position. But I can
22 explain it to these people. I do speak the language a little
23 bit. And I've been working with this community for some 30
24 years now. And believe me, I'm not -- we're not exempting trip
25 tickets. It will be good for you. Any of my fishermen know

41

1 The commission passed the trip ticket program for all
2 components. That includes fish, crab, all components, with the
3 exception of the dealers/processors. But the fishermen can
4 voluntarily fill out for the trip ticket program.

5 So if they have concerns about that, it's
6 voluntary. They can do it if they want to. So they need to
7 know that.

8 MS. VU: Okay.

9 (Ms. Vu interprets to audience.)

10 DR. ASPER: Could you come up to the microphone
11 because it's going to be something that affects everybody.

12 MR. TRONG: I'm sorry. I'm Johnny Trong, and I
13 want to address the fact that what these fishermen (sic) are
14 really concerned about is that these landing reports are really
15 high. So where are the shrimp coming from?

16 So if these trip ticket does go into effect,
17 they want the seafood processor to show where the trip is
18 coming from because the price margin right now is really
19 affecting these fishermen (sic). They're selling their shrimp
20 to the processors for a low price, but yet these processors, I
21 don't know what they're selling it out for, but many of these
22 fishermen (sic) are complaining that, you know, they're not
23 making much money even selling the little bit of shrimp that
24 they are finding in the Gulf.

25 So that's the biggest concern right now.

43

1 they can come back to me ten years later; if they lose the
2 information, we generate it for them. We give them reports.
3 We help them with income tax, everything. We keep the books.
4 We keep records. It goes back probably 20 or 30 years.

5 I think it would just be inconvenient for a
6 fisherman to have to fill out the same thing that I'm putting
7 on his invoice. How many shrimp they caught, what size they
8 are, what the price is. We print that out on a report at the
9 end of the month so the fisherman doesn't have to stand there
10 and do all this stuff.

11 And that's the only difference. I just -- you
12 know, the fishermen have been burdened enough. We've got
13 enough regulations on them, and we've got a lot of other things
14 to do when I can push a button on my computer at the end of the
15 month and it gives the department exactly what they're looking
16 for. And we've been doing it for a long time. It's been
17 sufficient.

18 And if the fishermen feel strong about the trip
19 ticket, we'll make the trip tickets right there. They can fill
20 them out. It will be no different. It will be inconvenient.

21 But I would like to meet with you after the
22 meeting.

23 MS. VU: Okay. Let me share that with them.
24 (Ms. Vu interprets to audience.)

25 MR. JEWELL: Here is what they need to know.

42

1 MR. BOSARGE: I believe what we have hopefully
2 -- the motion that's before us now, hopefully we can get that
3 landing data on these reports that the processors are filling
4 out and be able to determine where this catch is coming from.

5 MR. TRONG: Yes. Because, I mean, inevitably,
6 these landing reports really help bring funding and assistance
7 to these fishermen (sic) that they critically, very, very much
8 need right at this moment right now.

9 MR. BOSARGE: Exactly.

10 MR. GOLLOTT: Mr. Chairman, I'd like to call for
11 a vote on this.

12 DR. ASPER: Any further discussion?

13 Let's do a roll call vote on this. State aye if
14 you're for the motion.

15 MR. GOLLOTT: Aye.

16 MR. DRUMMOND: Aye.

17 MR. BOSARGE: Aye.

18 MR. TAYLOR: Aye.

19 DR. ASPER: Let the record show it carried
20 unanimously.

21 MS. MURRELL: I just wanted to let everybody
22 know that we will be having workshops, and we will definitely
23 have them in Vietnamese and English, and a manual will be
24 printed in Vietnamese. And we'll do that.

25 MR. BOSARGE: And I personally would like to

44

1 thank all you fishermen that came to this meeting today. I
 2 appreciate the input. Thank you.
 3 MS. MURRELL: Thank you.
 4 DR. ASPER: And we have two other items on the
 5 agenda regarding this shrimp fishery, so I hope everybody will
 6 stay for that. We'll ave a break after marine fisheries.
 7 Joe.
 8 MR. JEWELL: There was an amended motion that
 9 was made. Do we need to withdraw that?
 10 DR. ASPER: There was no second.
 11 MR. BOSARGE: I believe what I asked for was the
 12 original motion.
 13 MR. JEWELL: So we're going to move on to the
 14 next agenda item, and that would be G-4. There are four
 15 speakers that are on the agenda.
 16 I'll ask the first speaker to come up, Ten Tran.
 17 MS. TRAN: Good morning. My name is Ten Tran.
 18 I've been in the shrimp boat business since 1982. And I also
 19 have three license, shrimp license from Louisiana to Alabama.
 20 But usually by the time of year that the white shrimp season,
 21 they usually have shrimp, they busy on shrimp docks.
 22 But like today, we have no shrimp at all. But
 23 all the boat full at the docks. You got to see, you are can
 24 see, we need emergency funding money now because we needs the
 25 money to pay bills. We need the food stamp on the payrolls.

45

1 We usually working so hard. You know, like you all, if the job
 2 it was low, you don't work 40 hours, you got to work 40 hours,
 3 20 hours, you still get paid some of the money to pay the
 4 bills.
 5 But the shrimp boat, if they not going out, we
 6 don't get paid at all. We have no money to take care of the
 7 family. You know, we need some money. We need help.
 8 But you said the landings of the shrimp, the
 9 shrimp going, the landing was so high, and I wonder where the
 10 shrimp coming from. We have no shrimp at all from Louisiana to
 11 Alabama. We have seen no shrimp at all.
 12 You see all the boats full at the docks. You
 13 see how many boat inside the docks, many, many, many boats.
 14 There's no shrimp at all.
 15 But the landing is so high, I wonder, I want to
 16 know where the shrimp coming from.
 17 The trip tickets, the shrimp boat get to do it,
 18 the seafood dealer get to do it. If not, we don't know where
 19 the shrimp coming from. The landing is so high, but there's no
 20 shrimp at all three states from Louisiana all the way to
 21 Alabama. It's not even white shrimp this time of year. The
 22 white shrimp season, no shrimp at all.
 23 We been working, I been working, the shrimp
 24 business since 1982. The terrible year I ever seen like this
 25 year, the terrible year I ever seen.

46

1 We need emergency money, funding money now,
 2 where we can. You know, we need it so bad because we have no
 3 food to set on the table. We have no money to pay bills.
 4 I raise my kids, my children, from the shrimp
 5 business for them to college. At my age, I couldn't find no
 6 job except shrimp boat. We have no shrimp. We have no funding
 7 money. Nothing. I don't think we can live without shrimp or
 8 without job.
 9 Like you all, you all don't work 40 hours, you
 10 guys work 40 hours, 20 hour, you guys still get paid some of
 11 the money, but I don't.
 12 If the shrimp boat not unload the boat, the
 13 work, we don't get paid nothing at all. But last I trip my
 14 boat went out, losing money every trip. I have no money to
 15 lose more. But the landing was high. I wonder where the
 16 shrimp coming from, they're so high.
 17 You know, I wonder. I would like to know where
 18 the shrimp coming from.
 19 I need answer. But I do have to do the trip
 20 ticket, the seafood dealer have to do the trip ticket, too,
 21 just to be fair. You know, it's wrong with the landings so
 22 high, but no shrimp at all.
 23 You (inaudible) see they have some shrimp, not
 24 at all.
 25 We need help what we can because we need the

47

1 funding money now, emergency money. My mortgage, well, maybe
 2 the mortgage, I lose my house sure with the shrimp like this.
 3 The landing were high. No money. Nothing. All the boat
 4 inside. Losing money. You know, it's wrong. It's not right.
 5 The landing were high is wrong.
 6 I wonder why. I want to know why. I have three
 7 license. Louisiana, Mississippi, Alabama. Three license every
 8 year. No shrimp this year at all. It's the terrible year I
 9 ever see. But like the landing were high. Why? I need to
 10 have the answer where the shrimp coming from.
 11 Thank you.
 12 MR. JEWELL: The next speaker up is Mr.
 13 Jefferson Nguyen.
 14 Jefferson Nguyen?
 15 He's not here.
 16 The next speaker would be Mr. Tony Le.
 17 Neither one of them are here, and someone wants
 18 to speak for him.
 19 MR. DANG: Good morning, sir, ladies and
 20 gentlemen. My name is Tuan Dang, spelled T-U-A-N, last name
 21 Dang, D-A-N-G.
 22 And I'm a fisherman myself. And I have a little
 23 bit -- well, since I'm a fisherman, I fishes off of Louisiana,
 24 Mississippi, and also Alabama. And this with this shrimp
 25 season, it's supposed to be -- well, as you can see, all these

48

1 fishermen out here, I mean, they're sitting here and attending
2 meetings here where they should have been out there shrimping
3 right now.

4 But as you already know, well, as you said, that
5 this is high in landing. But myself, I went out there five
6 time this year, and every time -- only one time that I made a
7 couple hundred dollars. And these are my trip, it was like
8 five days or seven days.

9 And I lucky that I make my fuel money back,
10 otherwise I'm going to either make the fuel cost or lost.

11 So I don't know how the landing is, you know, is
12 up high while our shrimp, our shrimper fellow here didn't make
13 any.

14 Beside 2010, this year I see the most boat
15 that's docked in the dock even this typical time of year.

16 And, of course, with the trip ticket, we need
17 like accurate, so that way we either fishermen or the seafood
18 processor, we need accurate information, so when it come to the
19 case that we need help, we need accurate data. We need help.

20 I will -- as Ms. Tran say that if we will get
21 like hours basis, if hours cut short, we still got some money
22 to feed our families. But unfortunately, with this shrimper,
23 they cannot go out there or they can go out there but they
24 haven't make any money, so they need help. We need emergency
25 help.

1 counted on opening day compared to over a thousand ten years
2 ago. So many fewer shrimpers to catch the shrimp that may be
3 out there.

4 So we fast forward to the fall season. As we
5 all know, very low catches. Fishermen's reports have been very
6 bad. A few good ones here and there, but mostly very, very
7 poor.

8 Typically, we see Bryozan or sauerkraut grass in
9 the Sound this time of year. It's been especially bad this
10 year, compounding problems in the eastern Sound and over into
11 Alabama. Also, we typically see the moon jellies this time of
12 year, and we're seeing those, as well. So that's increased
13 hardship.

14 We do coordinate with the other Gulf states,
15 Alabama and Louisiana. Obviously Louisiana is having a hit and
16 miss hard time. Texas is doing pretty well from what I
17 understand. And Alabama's season is picking up.

18 Certainly from what we've heard today, that's
19 not enough to change the direction of the season so far. But
20 that is what we're hearing.

21 Of course, we also go out with our Mississippi
22 commercial shrimpers and on observer trips where they host us
23 on their boat. We're seeing, of course, exactly what they're
24 reporting in inshore waters, very low catches in August and
25 September, very low, only 30 pounds per trip, but nice size

1 So I'm asking all of your help. Thank you.

2 MR. JEWELL: That concludes Item G-4.

3 Next up on the agenda is G-5, shrimp season
4 update by Ms. Traci Floyd.

5 5. Shrimp Season Update

6 MS. FLOYD: Good morning, Mr. Chairman,
7 commissioners, Dr. Walker and Sandy. This is the shrimp season
8 update.

9 Currently in Mississippi, we have 523 resident
10 commercial shrimpers. This is on par with what we've seen in
11 the years since Katrina. We've had the hardships of foreign
12 competition, fuel costs, other things Mr. Gollott spoke of,
13 loss of infrastructure since the storm. We have about half of
14 the number of shrimpers we saw ten years ago.

15 And we have about 242 nonresident commercial
16 shrimpers, only 150 recreational shrimpers.

17 So for the 2011-2012 shrimp season, obviously
18 that was overshadowed by the Bonnet Carre Spillway opening on
19 May 9. Fortunately, we had drought-like conditions, good
20 conditions early in the year. We were able to have our
21 earliest opening every on May 25. The Bonnet Carre closed on
22 June 20, and we were able to open additional waters to
23 shrimping in Biloxi channel on August 26.

24 And just to backtrack, just to reiterate, we
25 have such decreased effort in this fishery, only 162 boats

1 white count shrimp, 15, 20 count size.

2 Next I want to look at some of our samples. And
3 keep in mind, these are just snapshots at historic locations,
4 at our historic sampling stations. These are ten minute tows
5 with 16 foot trawls, nothing like the large nets our shrimpers
6 use to harvest.

7 First we're going to look at our shrimp sampling
8 stations. We typically sample these stations across the Sound
9 in preparation for the opening of the season. But we do check
10 these stations throughout the year.

11 And I just want to mention that around the end
12 of July, we started seeing good numbers of white shrimp just in
13 Biloxi channel. That was mainly where those were. And they
14 varied by size. Up until the middle of September, we stopped
15 getting those good numbers in our samples. And, of course, the
16 Bryozan was filling our nets, as well, so we have not been able
17 to get much since then, just a couple over to the west now.

18 As Mr. Gollott mentioned, we're also checking in
19 Back Bay, and there are white shrimp in the bay. I'm not sure
20 if it will be enough to turn the season around, but it is
21 encouraging to see white shrimp up in the bay. We're seeing
22 pretty good numbers around Pops Ferry and Keesler. September
23 26, they ranged in size from 150 to 250 count, and last week
24 around 100 count. And we'll continue to check up in the bays.

25 MR. TAYLOR: How long will it take for these

1 shrimp to mature and to come out of the bay?
2 MS. FLOYD: We expect to see them in the next
3 couple of weeks or so.

4 MR. TAYLOR: What size would we expect them to
5 be based on this?

6 MS. FLOYD: It's going to vary with conditions.
7 Hopefully closer to legal size. But maybe a bit smaller when
8 they come out.

9 Okay. And this is just a picture of the size
10 variation we're seeing in the bays.

11 Next, I want to look at our interjurisdictional
12 sampling. And this is sampling -- this is our Biloxi transect.
13 We do this in coordination with the Gulf Coast Research Lab.
14 And this transect goes from beacon to the bay out to the
15 islands. We sample for all species, but here we're just going
16 to look at shrimp for the purposes of this presentation.

17 This looks back for catches from January through
18 September, back to 2001. The blue bar represents white shrimp;
19 the red bar is brown shrimp.

20 As you can see for 2011, the number of shrimp in
21 the trawl is about average when you look over the last ten
22 years or so, not as low as we saw in the years following
23 Katrina, but not near as high as we saw for brown shrimp in
24 2001 or white shrimp in 2009. So there's a lot of variation
25 here.

1 through the Natural Resource Damage Assessment or NRDA process.
2 And these are long term studies. Their results will not be
3 available for some time. And we look forward to those results
4 along with everyone else.

5 The Mississippi trustee agency is Mississippi
6 Department of Environmental Quality. They are overseeing those
7 studies. And if you need more information on those, I'm happy
8 to get that for you.

9 Next, I want to look at our live bait shrimp
10 landings. As was mentioned before, we do have a trip ticket
11 system in our live bait shrimp fishery. And I want you to note
12 this turquoise area with it. That's marking the half mile of
13 the shoreline. And with that said, we're pointing that out
14 because our live bait shrimpers are allowed to shrimp in there.
15 Our commercial and recreational are not. So the landings
16 you're about to see reflect that.

17 So here we're looking at live bait shrimp
18 landings in Mississippi from 2008 to 2011, and this is for
19 June, July, August, and September.

20 As you can see in June, and this is reported in
21 numbers of shrimp. The purple bar at the end is 2011. Live
22 bait shrimpers reported very good catches in June. Over
23 700,000 shrimp caught.

24 And July looks pretty good.

25 And please note all of our numbers are low for

1 Just for the month of August, looking at the
2 past few years, and there's the scale, we had 700 shrimp in our
3 trawls -- white shrimp in our trawls back in 2009. That's down
4 to 200 for 2011, just for the month of August.

5 Looking just to the month of September, note our
6 scale again, 120 white shrimp back in 2009. For 2011, we're
7 down to just a couple of white shrimp.

8 Next we're going to look over to the west. This
9 is also part of our interjurisdictional sampling. The green
10 stations are fixed. The red represent random stations. And we
11 see an increase over to the west. But please note the scale.
12 We catch many fewer shrimp over to the west. So that's only a
13 couple of shrimp, white shrimp caught in 2009, and a couple of
14 dozen in 2011 for August.

15 For September 2009, 70 in the trawls; 2011, 50.
16 So that looks okay.

17 So The DEEPWATER HORIZON has already been
18 mentioned. We have our ongoing seafood safety sampling for
19 PAHs, very intensive sampling. To date, 315 seafood tissue
20 samples have been tested. More are in the works. It is
21 ongoing indefinitely. This is for shrimp, crab, finfish, and
22 oysters. All have come back below levels of concern. The
23 results are available on our web page.

24 Now, for the official long term studies, and
25 these include shrimp and their habitat, this is being studied

1 2010 because of the closures in the fisheries.

2 And also for August looks good.

3 We do not have September compiled yet, but you
4 can see that downward trend as we go into fall as far as
5 catches. So we would expect to see that.

6 Okay. So commercial shrimp landings, first and
7 foremost let's stress, these are not just Mississippi shrimp.
8 We all know that. They're from offshore. They're from other
9 states. But this is what we have. And this is something we
10 can try to break down. And I'll talk a bit more about that.
11 But let's talk about the landings we have currently.

12 So right here, we're looking at '95 through
13 2010, these are the total landings for those years.

14 Here is 2011 half the year through July. It's
15 where we would expect it to be as far as total overall
16 landings. We're almost to six million pounds. Since Katrina,
17 we expect anywhere between eight and ten million pounds. And,
18 of course, that's half of what we saw ten years ago.

19 If you look at the composition of the catch, the
20 green represents the brown shrimp. And as you can see, we
21 typically have more of a brown shrimp catch that's brought in
22 as far as overall landings in Mississippi.

23 The white shrimp are represented in blue.

24 That's highly variable but where we would expect to be for
25 overall landings for heads on.

1 MR. BOSARGE: Is there for -- you said up
2 through July, landings information?

3 MS. FLOYD: For 2011, yes, sir.

4 MR. BOSARGE: And do we have any data from July
5 on? And the reason I ask that question, because most of the
6 fishermen have seen the problem actually started back in about
7 June. So you're catching the tail end of when the problem
8 really saw itself.

9 MS. FLOYD: Yes, sir. I'm showing you this
10 first because this is as far as I have it broken down by
11 species. I am going to go through September, but it's not
12 going to be as fine tuned because it's a process. But I
13 completely understand your concern, and I'm going to try to
14 address that.

15 MR. BOSARGE: Okay.

16 MS. FLOYD: Here we're looking at the past few
17 years, 2007 through 2011. Here we are in 2011. This is all
18 landings January through September.

19 Now, it looks okay from here. Of course,
20 there's that DEEPWATER HORIZON year right there. We're over
21 five million pounds. So it looks okay for overall landings
22 now.

23 We go into August, again this concerns us
24 because we're showing our highest August landings since
25 Hurricane Katrina. Obviously, those are not from Mississippi

57

1 in our trip ticket and crab trap gear removal programs received
2 a little over \$17,000. Round 2 of Hurricane Katrina money, the
3 average Mississippi shrimper received over \$10,000. And
4 currently, although this is private funding, we have a grant
5 where we provide TED gear to skimmer trawlers valued at \$600.

6 So since 2003 through the shrimp and crab bureau
7 and direct disbursements to Mississippi shrimpers, on average
8 each shrimper received a little less than \$32,000.

9 Now, that totaled over eight and a half million
10 dollars since 2003 just to Mississippi shrimpers.

11 I also wanted to mention our friends at MSU
12 Extension Service are just wrapping up their trade adjustment
13 assistance program where shrimpers were eligible for \$12,000.

14 So what is required for a federal determination
15 of a commercial fishery failure? And that's what we would need
16 to get funding for the Bonnet Carre Spillway disaster in this
17 case.

18 Please understand it's a process. We have a 32
19 page policy document of requirements that we must meet when we
20 apply to NOAA for that declaration.

21 Now, if NOAA does approve our application, it
22 still must go to Congress for funding. So understand that does
23 take some time.

24 The main thing I want to point out in the
25 requirements is that we are required to show a loss greater

59

1 waters. From what we gleaned from teasing out our notes from
2 our port agent and looking back, it would be less than five
3 percent inshore catches.

4 Now, finally in September we see the decline.
5 It's close to 34 percent compared to our average. And this
6 reflects what we're hearing from our fishermen that it's not
7 just inshore, but even further out.

8 Now, based on that -- and let me go back because
9 I'd like to mention what we're trying to do as far as landings.
10 Obviously, we don't have trip tickets. So we can't tell you
11 specifically where those shrimp are coming from.

12 What we're trying to do now is go back and tease
13 out from our port agent's notes and from NOAA's data kind of a
14 designation of what was inshore and offshore and see where we
15 can see any differences that we could show to NOAA. And I'm
16 about to go over what NOAA requires for that federal
17 documentation of the fisheries failure.

18 So just to take a look back, the shrimp and crab
19 bureau has a long history of applying for, successfully
20 receiving, and distributing directly to commercial shrimpers
21 economic recovery funds.

22 Back in 2003, for gear and fuel, we were able to
23 provide a little less than \$3,000 each to resident commercial
24 shrimpers.

25 Following Hurricane Katrina, those participating

58

1 than 80 percent to make a determination of the commercial
2 fishery's failure.

3 Now, if there's a loss between 35 and 80
4 percent, that would be evaluated further.

5 So currently with our overall landings in the
6 shrimp fishery, we do not meet that requirement. However, if
7 you look at the final bullet, those landings where there's a
8 loss less than 35 percent, there may be special and unique
9 circumstances. And that's where we're going to try to go
10 through and tease out the differences in inshore and offshore
11 fisheries. If we can show a loss there that would meet these
12 requirements, we will make that application to NOAA for the
13 shrimp fishery.

14 Now, as an example, I'm going to show you our
15 crab fishery where it is much easier to show losses because
16 it's an inshore fishery, it's very clear.

17 Since the Bonnet Carre Spillway opening in May,
18 we had a 35 percent loss in landings; in June, a 68 percent
19 loss in landings; July, a 59 percent loss in landings; in
20 August, a 45 percent loss in landings.

21 MR. BOSARGE: So the reason you were able to
22 pull that data out of the crabs so easily, can you go back to
23 that and show us? And where did this data come from?

24 MS. FLOYD: This is our landings that are
25 collected from the dealers. We easily see a loss in overall

60

1 landings. The crabs are caught mostly in nearshore waters.

2 It's an obvious loss, I mean, overall.

3 MR. GOLLOTT: Traci, can I ask you a question?

4 It's my understanding that you can tease this
5 data out of the landings we have been furnishing you for the
6 last ten years. We have inshore boats and we have big offshore
7 boats. You should be able to run a report.

8 If there's any way we can help you, if you want
9 us to separate it, we will be glad to go back and separate the
10 inshore boats from the offshore boats. (Inaudible) need to do.

11 MS. FLOYD: It can be done. Thank you, Mr.
12 Gollott. And that's what we're trying to do now. And we may
13 be leaning on the dealers to try to clarify some of that. But
14 that will take some time to do. So we are doing that.

15 And that is what my next slide shows.

16 So as far as what we're trying to do for the
17 shrimp fishery is try to figure out the differences in inshore
18 and offshore landings, and we're reviewing that from NOAA's
19 data, from our port agent's notes, to see if there is evidence
20 of a regional or inshore decline that would meet these
21 particular disaster criteria.

22 These are the criteria we have to meet to get
23 funding.

24 And also, I noted that our September landings
25 are down, and they show a 34 percent loss. And that's a pretty

61

1 substantial loss, and it's very close to the minimum
2 requirement. So if we continue to see those losses, we've met
3 the requirement, and we can apply that way.

4 We're looking at the data every way we can. And
5 we certainly appreciate the input of all of our shrimpers'
6 reports, good and bad, and we'll help however we have can.

7 MR. BOSARGE: I would ask maybe if you let
8 Jennifer translate this to the fishermen that are in here if
9 she could. I don't know if they quite follow you. Is she
10 still here?

11 DR. ASPER: Maybe we can do that at our break.
12 We're going to take a break here in a second.

13 MR. DRUMMOND: I have one question. You
14 mentioned NOAA was going to put up \$12,000?

15 MS. FLOYD: I'm not sure of the exact funding
16 source. I'm talking about the Mississippi State University
17 Extension Service had a trade adjustment assistance program.
18 Steve may know a little more about that. But that wasn't from
19 NOAA. That's a different...

20 MR. BOSARGE: It came through Congress. It's a
21 program put on through our U.S. Government. It's a training
22 program where these fishermen go and they are trained to do
23 their job better and then to look at alternatives for other
24 jobs, and actually have to come up with a business plan to
25 modify their business to make their business more efficient,

62

1 and as a result they're paid for their effort.

2 MR. DRUMMOND: I misunderstood, and I thought it
3 was a grant for the fishermen for emergency funds.

4 DR. ASPER: Anything else for Traci?

5 Okay. We're going to take a break. Before we
6 do that, I want to welcome Senator Tommy Richardson. Welcome.
7 Great to have you here.

8 Let's take a break. We will come back in a few
9 minutes.

10 (Off the record.)

11 DR. ASPER: Call the meeting back to order.

12 Move on to Item H, coastal ecology.

13 H. Coastal Ecology

14 MS. BRANTLEY: Good morning, commissioners, Dr.
15 Walker, Sandy. Jan sends his regrets. He is at the Coastal
16 States Organization meeting this week, I think for the whole
17 week. Usually, he tells me to say that he would much rather be
18 here than where he's at, but he did not say that this week
19 because he's in Kennebunkport, Maine, so I think he's very
20 happy to be up there.

21 Since one of our items was taken off, we have
22 only two items on the agenda this morning.

23 3. Bureau of Wetlands Permitting

24 a. Gutierrez, LLC

25 MS. WITTMANN: Good morning. I'm Jennifer

63

1 Wittmann. I have the first item on the agenda which is a
2 request for modification by Gutierrez, LLC, located at the
3 intersection of Holly Street and Bayview Avenue on the Back Bay
4 of Biloxi.

5 It is in the commercial fishing and recreational
6 marinas use district.

7 The project location is indicated by the yellow
8 thumb tack. You can see in reference to I-110, Highway 90, and
9 Bayview Avenue.

10 And this diagram or map shows the location of
11 the project.

12 The applicant is seeking authorization to
13 increase the total amount of shading associated with the
14 previously approved project by 5,356 square feet in order to
15 construct a forklift pier which will facilitate the addition of
16 a high and dry boat storage facility on the property.

17 This is a picture of the area that will be
18 shaded out by the pier. It's a scrub shrub marsh.

19 In July 1999, the commission issued a permit to
20 the Back Bay Casino of Biloxi for the construction of a docking
21 facility, mooring cells, bulkhead, dredging, and wetlands fill
22 for a casino development.

23 Between August 2002 and August 2008, several
24 extensions of that permit were granted.

25 In November of 2009, the commission granted a

64

1 modification which removed the casino development and added a
2 marina in association with an upland restaurant, as well as a
3 one year extension of the permit.

4 And in August of this year, the commission
5 granted an extension of the permit until January 6, 2016, which
6 coincides with the expiration of the Corps of Engineers permit.

7 The applicant is currently authorized to dredge
8 40,000 cubic yards of material, construct a 92 foot breakwater,
9 approximately 17,100 square feet of piers, 36 mooring pilings,
10 a wastewater pumpout facility and fuel dock, and again the
11 applicant is requesting authorization to construction 5,356
12 additional square feet of pier.

13 The diagram on the left shows the approved
14 diagram as it stands now. And the diagram on the right is the
15 area or the changes that will be made.

16 The center area here shows the area that will
17 have the pier expansion, and this is the area of scrub shrub
18 marsh that will be shaded out for the additional piers.

19 The project serves a higher public purpose by
20 providing support to the currently authorized marina, as well
21 as increased tax revenue and jobs in a blighted area of Biloxi.

22 The project is allowable within the commercial
23 fishing and recreational marinas use district.

24 Similar projects have been approved by the
25 commission, and no precedent setting effects are anticipated.

65

1 There will be shading of additional fringe scrub
2 shrub wetlands along the shoreline as a result of the proposed
3 modification.

4 The full project consists of dredging, the
5 construction of a 32 slip marina, a high and dry boat storage
6 facility and restaurant.

7 Best management practices will be utilized
8 during all phases of construction to minimize adverse impacts
9 to coastal wetlands. Onsite wetlands have been avoided to the
10 maximum extent practical.

11 There will be no wetlands fill, and there will
12 only be shading impacts.

13 And the marina has also been reduced from a 36
14 foot marina to a 32 foot marina. And there are no SAV or
15 shellfish within the project footprint.

16 The site is currently authorized for a marina
17 with upland amenities, and no alternative sites were considered
18 for this modification.

19 The previously authorized marina and dredging do
20 require a waterfront location, and a high and dry boat storage
21 facility does require a waterfront location.

22 The project is located in an area that has
23 historically been utilized as an industrial commercial area.

24 Notification of the project appeared in the Sun
25 Herald as required. No public comments were received.

66

1 DEQ and Department of Archives & History are
2 currently reviewing the project. The Secretary of State's
3 Office has stated that a tidelands lease will be required. And
4 Department of Wildlife, Fisheries & Parks has recommended best
5 management practices.

6 Based on departmental review and evaluation, it
7 has been determined that the project is consistent with the
8 Mississippi Coastal Program because it serves a higher public
9 purpose, and therefore staff recommends approval of the
10 modification request.

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

12 MR. TAYLOR: I move that we accept the staff's
13 recommendation.

14 DR. ASPER: Is there a second?

15 MR. DRUMMOND: Second.

16 DR. ASPER: Seconded by Commissioner Drummond.

17 Before we vote on this, I just want to ask you a
18 question, Jennifer. It seems like every month we approve a
19 little bit here and there negative impacts on our wetlands.
20 And we do it right after we see these reports of the shrimp
21 industry and other fisheries declining.

22 Do you think there's a link there?

23 I mean, these fisheries rely on those wetlands.

24 And if we keep impacting them, even a little bit at a time,
25 nipping away at it here and there, are we having a cumulative

67

1 effect problem here?

2 MS. WITTMANN: The marshes do serve as nursery
3 habitat for many juvenile fishes and shrimp.

4 This project in particular is scrub shrub
5 wetlands. It's not a tidally influenced wetland. So it's a
6 little bit different. But we do have a lot of ongoing projects
7 in the coastal preserves office and things like that that are
8 doing marsh restoration.

9 So not necessarily to say that we are
10 compensating for everything that is impacted with shading, but
11 any wetland impacts we do require mitigation. And mitigation
12 at least has to be a one to one. We want to be sure that the
13 function has been replaced for those projects that do have
14 impacts.

15 DR. ASPER: I understand all that. That's the
16 company's line. I understand that.

17 But I'm just asking. We're really frustrated
18 trying to understand why our fisheries are declining. We're
19 just trying to look at all possibilities.

20 So it might be interesting in your spare time to
21 take a look at how many of these impacts have not been really
22 -- not illegally -- but really compensated for and whether or
23 not we as an agency can be doing something a little bit better
24 along these lines.

25 I asked that specifically on this issue, this

68

1 application, because it's not tidal wetlands. But it's
2 something that I think we need to really be thinking about.
3 MS. WITTMANN: There are ongoing projects.
4 Right now currently we're working with the Corps of Engineers
5 to get a general permit approved for living shorelines. So in
6 that case, we would be able to grant GPs on behalf of the Corps
7 and DEQ for living shorelines instead of bulkheads in places
8 where that's appropriate. So we have been making some strides
9 in trying to accomplish those type things.

10 MS. BRANTLEY: Another thing that I wanted to
11 add, we are through the 309 grant program through NOAA --
12 that's a grant program that we get every several years that
13 runs for I think either three or four years each project -- and
14 one thing that we've done is we've just gone out for bids, and
15 I think it's about to be awarded, the first year's project is
16 to go out and look at all of the costal shorelines and see how
17 much has been armored either by bulkheads or riprap and how
18 much is still natural.

19 And then one part of that is that the bid -- the
20 person who is awarded the bid will have to come up with a draft
21 document that would be provided to waterfront homeowners that
22 would give them some alternatives to hardening shorelines,
23 would give them information about living shorelines, why
24 they're important, how they can go about putting in a living
25 shoreline and protecting their property from erosion rather

1 favor say aye. Those opposed. Carries unanimously.
2 MS. WITTMANN: Thank you.
3 c. Sherry L. Owens
4 MS. MOORE: Good morning, commissioners, Dr.
5 Walker, and Ms. Chesnut. My name is Lynn Moore. I'll be
6 presenting a violation/after-the-fact permit for Sherry Owens.
7 It's located on Bayou Bernard on Otto Avenue in
8 Gulfport, Harrison County.

9 The red arrow shows the project location.
10 Closer view of the project location.
11 A bulkhead, mooring pilings, and a pier have
12 been constructed without a permit.

13 On September 14, the City of Gulfport called in
14 and reported the construction of unauthorized structures.
15 On September 15, a site visit by DMR staff
16 confirmed the violation.

17 Also on September 15, DMR received an
18 application from Ms. Owens requesting the after-the-fact
19 authorization for the bulkhead, mooring pilings, and the pier.

20 Here is a diagram of the structures that were
21 built unauthorized.

22 Here's a picture of the unauthorized pier.
23 Picture of the unauthorized bulkhead.

24 The staff of the Department of Marine Resources
25 has conducted a thorough evaluation and recommends that the

1 than hardening or armoring the shoreline.

2 And then the second year of that will also
3 entail education for the public. We'll have actual seminars
4 and things like that to teach people about those.

5 So that is another thing.

6 You know, Jennifer talked about the general
7 permit for the living shorelines. We're also doing some actual
8 research to find out how much as been impacted.

9 DR. ASPER: Okay.

10 MR. TAYLOR: Jennifer, is the site of the old
11 high and dry storage?

12 MS. WITTMANN: It is not. This is the Biloxi
13 Blues Marina & Grill. It's right where Bayview Avenue makes
14 the turn.

15 MR. TAYLOR: Okay.

16 MR. DRUMMOND: Is it this way or this way?

17 MS. WITTMANN: We are down here. The Boomtown
18 Casino is here. The Old Brick House is in this location. And
19 then Bayview makes the turn. This was the old casino site
20 within the dredged basin. And then this is Oak Street.

21 MR. DRUMMOND: Thank you.

22 MR. GOLLOTT: That's Holly Street coming down
23 there?

24 MS. WITTMANN: Yes.

25 DR. ASPER: Okay. Ready for a vote? Those in

1 commission approve the after-the-fact request because the
2 structure does meet general permit guidelines and issue a fine
3 to Ms. Owens in accordance with the Mississippi Code.

4 The violation was discovered on September 14. It
5 had one day duration. The maximum fine is \$500; minimum fifty.
6 Recommendation is two hundred fifty.

7 Our decision factors were the project meets
8 guidelines. Ms. Owens has been cooperative in applying for
9 after-the-fact authorization. And Ms. Owens has been a real
10 estate agent for at least 15 years in the area. She stated
11 that she thought she could build the pier in the original
12 footprint without a permit, but she also built a bulkhead to
13 close off the boat ramp.

14 DR. ASPER: Any questions? Or is there a
15 motion?

16 MS. MOORE: And Ms. Owens is here if you have
17 any questions for her.

18 MR. BOSARGE: I make a motion we adopt the
19 staff's recommendation and set the fine at \$250.

20 MR. TAYLOR: Second.

21 DR. ASPER: Further discussion? Those in favor
22 say aye. Those opposed. Carries unanimously.

23 The concludes coastal ecology. And the next
24 item is going to be our budget. Kara.

25 J. Administrative Services

1 2. Financial Report
 2 MS. VESA: Good morning. Today's budget shows
 3 September 30, 2011, balances. Our budget remained the same on
 4 that date at \$6,267,493. We had spent \$1,799,015, leaving a
 5 remaining balance on September 30 as \$4,468,478. And our
 6 tidelands are all obligated.
 7 Any questions today?
 8 DR. ASPER: Thanks, Kara.
 9 I believe we're at the conclusion of our agenda.
 10 MR. DRUMMOND: I make a motion we adjourn.
 11 MR. GOLLITT: Second that motion.
 12 DR. ASPER: Meeting is adjourned. Thank you
 13 very much.
 14 (Meeting adjourned 11:10 a.m.)
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

73

1 BEFORE THE COMMISSION ON MARINE RESOURCES
 2
 3
 4
 5

6 COURT REPORTER'S CERTIFICATE
 7

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 73 pages constitute a true
 12 transcription of said meeting held on the 18th day of October
 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 3rd day of November
 19 2011.
 20
 21


 Norma Jean Ladner Soroe, CSR #1297
 Certified Shorthand Reporter

22
 23
 24
 25

74

