

Compressed Transcript



COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

December 18, 2012

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

1 COMMISSION ON MARINE RESOURCES
2
3 MEETING OF COMMISSION ON MARINE RESOURCES
4 December 18, 2012
5
6 *****
7 TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT
8 BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW
9 AVENUE, BILOXI, MISSISSIPPI, ON THE 18TH DAY OF DECEMBER 2012
10 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER
11 SOROE, CERTIFIED SHORTHAND REPORTER.
12 *****
13
14 COMMISSION MEMBERS PRESENT:
15 DR. VERNON ASPER, Chairman
16 RICHARD GOLLOTT
17 SHELBY DRUMMOND
18 STEVE BOSARGE
19 JIMMY TAYLOR
20
21 ALSO PRESENT:
22 DR. WILLIAM WALKER, Executive Director DMR
23 JOSEPH R. RUNNELS, ESQ., Asst. Attorney General
24 SANDY CHESNUT, ESQ., Asst. Attorney General
25

1 DR. ASPER: The next is approval of the agenda.
2 Are there any items that need to be added or removed from the
3 agenda?
4 DR. WALKER: No, sir, Mr. Chairman.
5 DR. ASPER: Okay. Is there a motion to approve
6 the agenda?
7 MR. DRUMMOND: So moved, Mr. Chairman.
8 DR. ASPER: Is there a second?
9 MR. GOLLOTT: I'll second it, Mr. Chairman.
10 DR. ASPER: Those in favor say aye. Carries
11 unanimously.
12 D. Public Comments
13 DR. ASPER: Next we have the time for public
14 comments. We have one of these so far. And that is for Brad
15 Stapleton. Please come to the podium, state your name, and
16 let us know what's on your mind.
17 MR. STAPLETON: How you all doing? I'm Brad
18 Stapleton. I'm commercial fisherman. I dredge and tong. And
19 what I'm here to ask for is if we can get a possible extension
20 on the tonging reef.
21 The resource is there. It's not being
22 overworked. The economy is bad. It's not a lot of jobs out
23 there. We ask if you all would to please reconsider closing it
24 on the 29th and maybe give a possible extension.
25 DR. ASPER: Are you talking about dredging or

1 A. Call to Order
2 DR. ASPER: Good morning. I'd like to welcome
3 everybody to the regular December meeting of the Mississippi
4 Commission on Marine Resources. I'd especially like to welcome
5 Senator Gollott. I believe he's back there. Always great to
6 have you here. Welcome.
7 We have an agenda, copies of the agenda, in the
8 back of the room, and we also have these little forms. If you
9 would like to speak during the public comments section, please
10 fill one of these out and get it to the ladies up front here,
11 and we will enjoy hearing your comments.
12 B. Approval of Minutes
13 DR. ASPER: The first item on that agenda is to
14 approve the minutes. Are there any modifications, or is there
15 a motion to approve as distributed?
16 MR. GOLLOTT: I make a motion that we approve as
17 distributed.
18 DR. ASPER: Is there a second?
19 MR. DRUMMOND: I'll second the motion.
20 DR. ASPER: Now, this is for -- we did not get
21 minutes from the special meeting. This is just from the
22 regular meeting. Okay. Make that clear.
23 Those in favor of approving the minutes as
24 distributed say aye. Carries unanimously.
25 C. Approval of Agenda

1 tonging on the tonging reef?
2 MR. STAPLETON: Tonging on the tonging reef.
3 DR. ASPER: Tonging on the tonging reef.
4 MR. STAPLETON: We worked out there yesterday
5 was our first day. We've been dredging all year. We tied the
6 dredge boat up. Went. We had them in just over two hours
7 yesterday. So the resource is there.
8 We just ask y'all to let us work it.
9 MR. BOSARGE: And how many people do you think
10 may switch from dredging to tonging?
11 MR. STAPLETON: I imagine there's 15 or 20 of
12 them that will go do it, also. And it may be more, being that
13 the cap is off the license, more of them may come and try.
14 MR. BOSARGE: And I think Scott Gordon is going
15 to talk about some of this. That's great. I think it's a good
16 idea. But we'll see what Scott's got to say.
17 MR. STAPLETON: All right. Thank y'all.
18 DR. ASPER: Next item on the agenda is executive
19 director's report.
20 E. Executive Director's Report
21 DR. WALKER: I don't have anything, Mr.
22 Chairman.
23 Okay. Next is marine patrol.
24 MS. CHESNUT: I do have some administrative
25 penalties to go over.

1 The first two on the agenda, Elijah Troutman,
2 Administrative Cause Number 011412-01, and Sean Bartosik, Cause
3 Number 011412-02. These individuals were stopped on
4 approximately 1:00 p.m. January 14, 2012, in a vessel bearing
5 MI 4720AY near Beacon 22 east Biloxi channel.

6 Upon questioning, it was determined that the
7 vessel had been at the Triple Yellow Rig in federal waters. The
8 ice chest contained 28 red snapper, 12 of which were under the
9 legal size limit of 16 inches. And the cooler also contained
10 two redfish.

11 Service was made on the two minor individuals
12 and their parents. And a meeting was held, an informal
13 settlement conference was held with the executive director on
14 November 19.

15 The executive director's recommendation to the
16 commission is that an administrative penalty against Elijah
17 Troutman and Sean Bartosik in the amount of \$1,000, with \$500
18 suspended, contingent upon no new fishing violations being
19 committed in any jurisdiction for a period of two years, and
20 payment of fine of \$500 within 45 days of the approval of the
21 recommendation of the commission.

22 I would like to note that at the informal
23 settlement conference, both of the minors asked that they be
24 allowed to perform community service in addition to any fine
25 that the commission may impose.

1 DR. ASPER: Could you say that again? They
2 requested permission to perform public service in addition?

3 MS. CHESNUT: Right. Their parents attended the
4 informal settlement conference with them. And they did wish to
5 be allowed to do some community service, as well.

6 I talked to marine patrol about that, and they
7 said they could work with them to have them do some community
8 service.

9 And I think that both of the individuals are
10 here, and if there's anything they would like to say, they can
11 come forward.

12 MR. BARTOSIK: I'm Sean Bartosik. And I would
13 just like to say that I'm sorry for what we did. We got caught
14 up in the moment, and we weren't really thinking about the
15 risks over the rewards. So sorry for that.

16 MR. TROUTMAN: I'm Eli Troutman, and I'm also
17 sorry for everything I've done. I've learned from my mistakes
18 and everything that I've done. So thank you for the small fine
19 you've given us, but community service would help me out, if
20 you could.

21 Thank you.

22 MS. CHESNUT: We just need a motion on what the
23 recommendation would be.

24 DR. ASPER: So the recommendation, just to
25 summarize it here, it lists the amount of \$1,000 fine, with

1 \$500 suspended, contingent on no new fishing violations in the
2 next two years.

3 MS. CHESNUT: Correct.

4 MR. BOSARGE: Would that be per person?

5 MS. CHESNUT: Yes, that would be for each
6 individual.

7 DR. ASPER: Is there a motion?

8 MR. GOLLOTT: Mr. Chairman, I'll make a motion
9 that we accept the staff's recommendation and that we work out
10 the public service.

11 DR. ASPER: So you're making the motion that we
12 accept the recommendation of \$500 per person fine and also that
13 the enforcement personnel work with them for the public
14 service?

15 MR. GOLLOTT: Yes, sir.

16 MS. CHESNUT: Just specify a number of hours.

17 PERSON IN AUDIENCE: We'd like 20 hours.

18 DR. ASPER: Twenty hours. Would that be okay
19 with the motion?

20 MR. GOLLOTT: No. I think 50 hours would be
21 more acceptable.

22 DR. ASPER: Okay. Is there a second to the
23 motion?

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

25 DR. ASPER: Is there any further discussion?

1 Those in favor say aye. Any opposed? Carries unanimously.

2 I believe that concludes the executive
3 director's section.

4 We'll now move to marine patrol. Rusty.

5 F. Marine Patrol

6 2. Marine Patrol Report

7 MR. PITTMAN: Good morning, Mr. Chairman,
8 commissioners, Dr. Walker, Sandy. You have in front of you our
9 report for the month. You'll notice on the front page the
10 violations we had during oyster season so far.

11 On the second page, we have the fishing
12 violations. A few no saltwater fishing license citations, not
13 as many as has been in the past. There was some commercial
14 activity north of CSX. And we had some sale of recreational
15 caught fish. All those cases are all together.

16 Boat and water safety violations were down, most
17 likely due to the weather this past month.

18 Boating accident without injuries, we had four.

19 Special events, we had two. It was Biloxi Night
20 Out Against Crime, and Mothers Against Drunk Driving program at
21 the Edgewater Mall with Biloxi PD.

22 JEA patrols, we had 51 patrols, 743 man hours,
23 558 contacts, no EARS, but 12 citations, state citations.

24 DR. ASPER: Thank you. I just have a couple of
25 quick questions.

1 First of all, regarding gill nets, this is the
2 time of year when we used to have lots of problems with that.
3 What's the status on that issue?

4 MR. PITTMAN: We've had a couple of calls come
5 in about gill netting activities. Our officers been working at
6 night and during the day trying to locate them. So far we
7 haven't come across any.

8 DR. ASPER: Okay. And regarding the JEA
9 activity, could you just refresh us a little bit on what that
10 entails, what vessel do you use and how far out you go, so
11 forth?

12 MR. PITTMAN: We use our offshore vessels, 27
13 foot and 33, and we also have The MISSISSIPPI, the 52 foot that
14 we can -- we can patrol up to 200 miles as long as our fuel
15 will allow us to go. It's usually at the most 100 miles
16 offshore. But we check all boats for federal fishery
17 regulations.

18 Now, if we make minor cases like what comes up
19 before you, the National Marine Fisheries would rather not
20 handle, we bring those to the administrative penalties.

21 DR. ASPER: So this is a program, just to
22 refresh our memory, this is a program wherein the federal
23 government actually pays our expenses to go out?

24 MR. PITTMAN: It's through NOAA. And we get a
25 certain amount of money each year from the federal government.

9

1 that. But these individuals were running the boat didn't have
2 a captain's license. They were running it for the owner of the
3 boat.

4 So the captain that was listed on that license
5 wasn't even on board.

6 MR. DRUMMOND: Thank you.

7 DR. ASPER: I've got to ask about the no marine
8 sanitation device. And I recognize one of the names on the
9 list. And I know that the boat is just an old skiff.

10 What sort of sanitation device is required on
11 boats like that?

12 MR. PITTMAN: Marine sanitation device --
13 actually, the department last year gave out or two years ago
14 gave out 200 to 280 of them that were supplied to them. And
15 it's like a sanitation device like you have in a portable
16 camper type situation that will hold and not spill over the
17 sewage.

18 This person didn't have anything on the boat.

19 DR. ASPER: Okay.

20 MR. PITTMAN: I'd like to wish you all a very
21 Merry Christmas, too, and a safe holiday.

22 DR. ASPER: Likewise.

23 Fisheries. Joe.

24 G. Marine Fisheries

25 MR. JEWELL: Good morning, commissioners, Dr.

11

1 Out of the allotment that we get, we divide it up to where so
2 much goes to equipment and fuel, the other goes towards man
3 hours where our officers can work on their days off and earn
4 extra pay instead of having to go out if they need to to find
5 another job, and we have several officers that work this
6 program. And it brings in time and a half overtime pay after
7 the first 11 hours.

8 It's all through the federal government. No
9 state tax money.

10 MR. BOSARGE: And those officers have to, I
11 believe, be deputized?

12 MR. PITTMAN: They're deputized federal agents.
13 They attend the school in Glynco, Georgia, federal law
14 enforcement training center, where they go through a four week
15 course with the federal regulations in boarding vessels
16 offshore.

17 MR. BOSARGE: Good.

18 MR. DRUMMOND: Rusty, I see there are four no
19 captain's license here. I assume they were on dredging
20 vessels?

21 MR. PITTMAN: Yes, sir.

22 MR. DRUMMOND: Don't they have to have a
23 captain's license to get a license to dredge?

24 MR. PITTMAN: When they buy an oyster license
25 for that boat, there is a special captain's license that's on

10

1 Walker, Sandy.

2 I want to wish everybody a Merry Christmas and
3 Happy New Year.

4 Dale sends his apologies. He was unable to
5 attend this morning.

6 We have three items on the agenda. And first up
7 is Title 22 Part 17, the means test, action item by Matt Hill.

8 3. Title 22 Part 17 Notice of Intent

9 MR. HILL: Good morning. Good morning, Sandy.

10 I'd like to take Title 22 Part 7 out for notice
11 of intent. It's establishing the means test for the commercial
12 harvest of spotted seatrout.

13 Part 7 is the regulations to provide size limits
14 and bag limits for certain fish species and to prevent sale of
15 seafood by recreational fishermen.

16 The proposed changes will establish a means test
17 in which commercial fishermen must qualify in order to harvest
18 spotted seatrout.

19 This change will be made on Chapter 9 Section
20 110, and it shall read: Individuals harvesting spotted
21 seatrout for sale must possess a spotted seatrout endorsement
22 in addition to a current applicable harvester's license. To
23 qualify for this endorsement, an application must be completed.
24 The fisher must present proof that \$5,000 of seafood product
25 was sold in any 12 consecutive months. Proof will be copies of

12

1 sales records and a copy of the applicant's harvester's license
2 for the appropriate time period or the fisher must present
3 proof that ten percent of their net income came from commercial
4 fishing activities in a previous tax year. Proof would be a
5 form provided by the DMR, completed by a licensed tax preparer,
6 possessing a preparer tax identification number, must be
7 notarized, and submitted to the department. This endorsement
8 will be valid for a three year period at which time a new
9 application with qualifying documents must be submitted for a
10 new endorsement. The income requirement and seafood sale
11 provision of this section shall cease to be in effect April 30,
12 2020, unless further commission action is taken to extend this
13 requirement.

14 What will be required today would be a motion
15 for notice of intent of the proposed rules upon the completion
16 of the economic impact statement.

17 MR. GOLLOTT: Would you back it up one...

18 What I'd like to do if it's possible is take out
19 that sunset provision in there April 30, 2020, just take that
20 out.

21 Does anybody have any comments on that?

22 DR. ASPER: Could you comment as to why that's
23 in there?

24 MR. HILL: It was a recommendation given from
25 the executive department that we put a sunset clause in there.

1 particular rule. Or you could just renew it at a certain time.

2 MR. TAYLOR: Would we need an economic impact
3 statement to renew it?

4 MR. HILL: No, you would not.

5 MR. GOLLOTT: Okay, Mr. Chairman, I'll make the
6 motion that we accept this and send it out for public review.

7 DR. ASPER: With the sunset clause?

8 MR. GOLLOTT: Yes, sir.

9 DR. ASPER: Is there a second?

10 MR. BOSARGE: Second.

11 DR. ASPER: Further discussion? Those in favor
12 say aye. Any opposed? Carries unanimously.

13 MR. HILL: Thank you.

14 MR. JEWELL: Our next presentation is an oyster
15 season update by Mr. Scott Gordon.

16 4. Oyster Season Update

17 MR. GORDON: Good morning, Mr. Chairman,
18 commissioners, Dr. Walker, Ms. Chesnut.

19 Very short presentation for you today. It's
20 limited oyster season update.

21 These are preliminary numbers through this last
22 Saturday, December 15.

23 The limited oyster season opened November 5,
24 2012. So far we've had 48,964 sacks harvested. And that was
25 over 3,117 trips. And that's an average of 15.7 sacks per trip

1 So we put a sunset clause in there. It was not a
2 recommendation from the commission.

3 DR. ASPER: You say executive department.

4 MR. HILL: It was a recommendation from Mr.
5 Guice.

6 MR. JEWELL: The reason a sunset clause is put
7 in there is that there may be unanticipated issues that arise.
8 There may be issues from the fishermen that may come up. And
9 it simply allowed the commission to go a period of time and
10 then review that at the end of that time. It would almost be
11 like a mandatory requirement for you all to review it at the
12 end of that time.

13 It doesn't set a limit or extinguish the actual
14 provision within the ordinance.

15 MR. HILL: You would be allowed -- you would be
16 allowed to remove this clause without going through an economic
17 impact statement with the sunset clause. You would let it run
18 out, expire.

19 DR. ASPER: So there's really no negative to
20 leaving it in there because the commission at that time could
21 simply renew it. But it does allow us the possibility if
22 conditions exist where we simply want to cancel it of letting
23 it expire without doing that economic impact.

24 MR. HILL: It would eliminate the step of the
25 economic impact statement for eliminating that for this

1 for all harvest types, both dredging and tonging.

2 The dredging limit is 20 sacks per boat per day,
3 and the tonging limit is 12 sacks per boat per day.

4 Dredgers have harvested a total of 47,965 sacks over
5 2,934 trips. That averages out to 16.3 sacks per trip.

6 And the tongers have harvested again through
7 last Saturday 999 sacks over 183 trips. That's averaging five
8 and a half sacks per trip.

9 Now, early on the tongers had some difficulty
10 locating them. I believe that they have found a pretty good
11 spot out there on the reef, and a good number of the tongers
12 are able to make their daily sack limit of 12 sacks per day.

13 Something that I wanted to point out to the
14 commission. We've been very lucky throughout this limited
15 oyster season with not having any closures due to rainfall and
16 river stage. We've got that coming, and it looks like it's
17 going to happen tomorrow.

18 As you can see, the ten foot stage right there,
19 that will shut down the inshore waters, so that will shut down
20 Area II-A and II-B. But it will leave some of the other areas
21 open. The areas the tongers are working right now, that will
22 stay open. And there are some areas of II-E and II-F that's in
23 the larger II-C area that shuts down on 12 and a half foot
24 river stage.

25 The rain that we had this week was

1 insignificant. I would like to see a little more rain. You
2 know, I think we're still under kind of drought conditions.
3 There's supposed to be pretty good blow coming I think on
4 Thursday, so that's going to be interesting. But we've been
5 very fortunate in what we have done.

6 The request on keeping these areas open for the
7 tongers, Dale and I have already discussed that, and we don't
8 see any problem with that. And it looks like I do anticipate
9 that we will see additional tongers get into it. And with the
10 limited season, the opening order, the commission did authorize
11 the executive director to extend that December 29 closure.
12 Also that's what our recommendation will be to the executive
13 director.

14 Are there any questions?

15 MR. GOLLOTT: Scott, how did your season between
16 the bridges and the dredging and tonging reef, do you have any
17 preliminary sacks on that?

18 MR. GORDON: Yes, I do. And again, this was
19 through Saturday, so it was Monday through Saturday. That was
20 a six day time period.

21 We had a total of 452 dredging trips, and 7,257
22 sacks were harvested. And with the tonging, we had 37 tonging
23 trips, 225 sacks harvested.

24 So that's just about 7500 sacks in a week. That
25 is still, since this is a limited season, that was very low.

17

1 reef said there were about eight or ten boats out today. So
2 some of the dredgers have already moved over into the tonging
3 area.

4 So we'll try to keep it open as long as we can.
5 MR. GOLLOTT: How long do you think? That's
6 like having an axe hanging over your head with these fishermen.
7 I mean, you need to come up with a figure.

8 MR. GORDON: I wish I had a crystal ball, and I
9 could give you an exact answer on that. But we will continue
10 to monitor it.

11 It took them a while to find this one spot and
12 to work through. But, you know, if we can, we'll certainly do
13 that.

14 Is that a vague enough answer for you?

15 MR. GOLLOTT: That's about as vague as you can
16 possibly get.

17 MR. GORDON: That's about as good as I can do
18 right now.

19 MR. GOLLOTT: Do we need to make a motion to
20 hold the season open until April 29 or 30? I mean, would that
21 help it?

22 MR. GORDON: You don't have to do that with how
23 the limited season --

24 MR. GOLLOTT: (Inaudible) to hold this thing
25 open.

19

1 In a real good year, we can have 5,000 sacks a day come through
2 the Pass.

3 But as far as this being a limited season and
4 the oyster fishermen have been having to work the hook mussels
5 pretty heavily, I think the gentleman in here that had been out
6 chopping on those hook mussels can testify that's pretty tough
7 work.

8 But they are working those areas, and we are
9 seeing some benefit from it. But I think we're about to the
10 end of where the dredgers need to be.

11 MR. GOLLOTT: I had a fisherman from Pass
12 Christian call me, I think George Storrs, and was worried about
13 us closing this thing, the tonging reef down on -- what was it?
14 -- the 29th I think he said.

15 What I'd like to do is encourage y'all to keep
16 this reef open until April, the last day of April, for these
17 tongers so they can make as much as they can, make a living on
18 this reef as long as we can.

19 MR. GORDON: Well, we will continue to monitor
20 it. And like I said, we're going to make the recommendation to
21 Dr. Walker to extend it past the 29th for the tongers. Not
22 sure the amount of resource that we have out there. But, you
23 know, we'll also keep up with the amount of the participation
24 that we have. And it's encouraging to see that. In fact, one
25 of the gentlemen I spoke to today that was out on the tonging

18

1 MR. GORDON: I understand your wishes on that,
2 so we'll do everything that we can to see that that happens.

3 MR. GOLLOTT: According to Mr. Storrs, there's
4 plenty of oysters down there. You know, they might find
5 another couple of spots if you give them a chance.

6 MR. GORDON: Hope so.

7 DR. ASPER: Scott, I know that this area can't
8 be open for harvesting, but there was a cultch plant carried
9 out north of the bridges. Are you monitoring that area as well
10 to see how the resources are faring?

11 MR. GORDON: Yes. We're -- in fact, that's
12 something else that I probably need to point out to the
13 commission that with the special management season that the
14 special commission meeting was held for to open up those areas
15 inside the mile, that Area II-D in between the bridges, as I
16 had mentioned in the commission meeting, there was some concern
17 over pipeline and cable crossing areas.

18 Right after the commission meeting, I called up
19 the Mississippi 911 and filed a request with them to have these
20 areas marked. And they e-mailed me, I think it was a list of
21 about 12 or 14 different companies that have various crossings
22 there.

23 And there is one pipeline that's going across
24 there that has exposed pipe, gas pipe, that occurred after
25 Hurricane -- I guess during Hurricane Katrina, and that

20

1 pipeline has not been covered up yet. So I will have some
2 discussions with the people with that company to see if we
3 can't get that pipeline reburied so we can in the future open
4 up that area to some harvest.

5 That area would be open for tonging and has been
6 open for tonging, so that's the place -- another place where
7 the tongers would be able to go right now. There's no concern
8 of the tongers snagging into one of the cables or doing any
9 damage to the pipeline. So we will look at that.

10 MR. GOLLOTT: How large an area are we talking
11 about?

12 MR. GORDON: It's not a very large area. If we
13 have low participation, you know, maybe a dozen or so boats, I
14 think that area could last for a while. If we have a huge
15 influx of boats that came in here, I wouldn't anticipate it
16 lasting very long, not more than a few weeks.

17 But there are some oysters in there that I think
18 could be worked.

19 DR. ASPER: Okay. Thank you, Scott.

20 MR. JEWELL: Our final presentation is an action
21 item. It's a state record by Mr. Erick Porche.

22 5. State Records

23 MR. PORCHE: Good morning. I have one record
24 today to submit for your approval.

25 It is for a scamp, Mycteroperca phenax. The old

21

1 I have locations of a scowl schooner that sunk
2 in the Tchoutacabouffa River or was abandoned. And we have
3 records indicating it may be a pretty well known schooner for
4 its time. It was called a Haroun. And the boat is sunk in
5 very, very shallow water. And I'm trying to get in touch with
6 the people that would allow me or get in touch with
7 archaeologists to come and see if we can raise this thing and
8 donate it to the Seafood Industry Museum because there's 29
9 schooners that I know of myself on the Tchoutacabouffa River,
10 and that one is the most easiest accessible. And I don't know
11 if y'all have been up in Natchez to see the ironclad they got
12 up there.

13 But I've been talking to Ms. Robin at the
14 Seafood Industry Museum, and she's interested in it, to see if
15 we can get this thing raised because it's a historical piece of
16 artifact that it's going to go away if we don't do something
17 with it. And it would be such an easy thing to get up. And I
18 can get the people to help volunteer and to help get this thing
19 up. All you need basically is a barge and a back-hoe and about
20 a week, and we can have the thing sitting up and try to put it
21 inside the museum because the museum has lost most of their
22 stuff. And I know where a lot of artifacts are that I would
23 like to donate to the museum, but we're not allowed to do it
24 because we're not allowed to take anything off the bottom of
25 the rivers. But if I can get enough people involved in it and

23

1 record was 24 pounds 0.48 ounces. The new record will be 26
2 pounds 15 ounces caught by Thomas O'Brien. That's our fish,
3 and Mr. O'Brien and scamp.

4 MR. DRUMMOND: Nice scamp.

5 MR. PORCHE: Any questions? Yes, sir.

6 DR. ASPER: Is there a motion to approve the
7 record?

8 MR. GOLLOTT: Make a motion we approve the
9 record for the scamp.

10 MR. DRUMMOND: I second the motion, Mr.
11 Chairman.

12 DR. ASPER: Those in favor say aye. Carries
13 unanimously.

14 MR. JEWELL: That concludes marine fisheries if
15 there's no other questions. Thank you.

16 MR. POWELL: I'm sorry. I got here late.

17 DR. ASPER: Come to the podium and state your
18 name.

19 MR. POWELL: My name is Jeffrey Powell. I'm a
20 commercial fisherman, but I'm also connected in -- some people
21 know who my mother is. She's a local historian, 36 years
22 retired from the Biloxi Library.

23 And I'm sorry again for being here late, but
24 I've got something I would like to propose to y'all if y'all
25 could look it over and tell me where I need to go from here.

22

1 was interested in seeing this, we could raise this thing. It's
2 about 95 percent still intact.

3 And I know it looks like a bunch of pieces on
4 the bottom, but when you wash it away, you see the deck is
5 still there and most of the boat is still there. And if we can
6 raise this thing and put it in a room as a display, it would be
7 wonderful, you know.

8 And just wanted to know if y'all can help me get
9 in touch with the right people to get the ball rolling with it.

10 DR. ASPER: That sounds like an outstanding
11 project. I'm not sure personally who to recommend that you
12 would get in touch with.

13 MR. POWELL: I have photos of other schooners
14 that are in the river, but this is the smallest and most
15 intact. I think I have a photo of the EVELYN DESPORTE that is
16 up at Schooner Harbor. And she is mostly intact herself. But
17 she's so big, you'd never get her out without digging a trench
18 through there to get to it. You'd never get her out of there.

19 This one on the other hand is very easy to go
20 to. With a couple of divers and a barge and a back-hoe, we
21 could get that thing out of there and try to save it as a piece
22 of historic significance to Biloxi.

23 They weren't the prettiest in the world, but
24 they were scowls. And that picture you showed them guys
25 tonging, there's a scowl sitting alongside the guy who's

24

1 tonging. That's an actual scowl schooner.

2 DR. ASPER: The representative from the
3 Secretary of State's Office is in the back there waving his
4 hand. I suggest you start by talking with him, and he will
5 point you in the right direction.

6 MR. POWELL: Thank you very much.

7 DR. ASPER: If there's anything that we can do,
8 we'll help.

9 MR. POWELL: Like I say, if I can just get the
10 permits and get the ball rolling for this and get some people
11 involved, the ones that have volunteered to work to do it. I
12 got two boats myself that I could put up there. Basically need
13 a barge and a back-hoe, and we can get the thing up.

14 MR. TAYLOR: And Jeffrey, another thing,
15 volunteers, a lot of colleges like Jeff Davis and USM in the
16 marine departments could probably get -- students could get
17 credit for helping you do it. I don't think you'll have any
18 problem getting volunteers if you can get it going.

19 MR. POWELL: Yes, sir. I'd like to get it
20 going. I'm going to be leaving to go overseas, but if I can
21 get it going and continue going, there's actually two schooners
22 there. There's actually two of them. I haven't been able to
23 relocate the other one. I've been doing it since I was 11
24 years old. And that one is kind of vague in my mind. But I
25 know there's two of them there close together, and that one I

25

1 got relocated. Where the other one got buried, we don't know
2 for sure. But I'm pretty sure there's two of them, and they're
3 exactly the same size, exactly alike.

4 So, yeah, I appreciate any help I can get.
5 Thank y'all.

6 DR. ASPER: Move on to coastal ecology.
7 H. Coastal Ecology

8 MR. BOYD: Good morning, Mr. Chairman,
9 commissioners, Dr. Walker, Ms. Chesnut.

10 Coastal ecology has one action item for your
11 consideration this morning. And Greg Christodoulou will be
12 presenting that.

13 3. Bureau of Wetlands Permitting
14 a. Mississippi Phosphates

15 MR. CHRISTODOULOU: Good morning. My name is
16 Greg Christodoulou, and I have the sole project for coastal
17 ecology this month.

18 It's a permit extension request by Mississippi
19 Phosphates Corporation and located in Bayou Casotte at 601
20 Industrial Road in Pascagoula. It's in the industrial
21 development use district.

22 Here is the project location indicated by the
23 yellow thumb tack, northern portion of Bayou Casotte, and here
24 is Highway 90, and this is Pascagoula.

25 In November commission meeting in 2007, the

26

1 commission approved permit to allow Mississippi Phosphates to
2 maintenance dredge approximately 22,500 cubic yards of
3 material. And they had a five year maintenance agreement to do
4 this work.

5 In November of this year, we received a request
6 to extend that permit for an additional six months. Some of
7 the recent bathometric work they've done indicated that they
8 had some shoaling following Hurricane Isaac, and with the lower
9 tides during the winter they thought that might be a concern
10 with docking some of their vessels that came in.

11 They do have about 9600 cubic yards left on
12 their permit to dredge, so they're asking for that amount.

13 The area indicated in red on the diagram is
14 where the maintenance dredging will take place. The original
15 permit had dredging a little bit farther out and in some of the
16 boat slips. But this area is almost immediately adjacent to
17 their docking areas.

18 Staff's recommendation is that the project is
19 consistent with the Mississippi Coastal Program and serves a
20 higher public purpose by restoring navigable depths to the
21 company's docking facility. So staff recommends extending the
22 permit for an additional six months until June 4, 2013.

23 DR. ASPER: Comments? Or is there a motion?

24 MR. BOSARGE: I make a motion that we accept
25 staff's recommendation.

27

1 DR. ASPER: Is there a second?

2 MR. DRUMMOND: I second the motion.

3 DR. ASPER: Further discussion?

4 MR. DRUMMOND: I'd just like to know where the
5 spoils are going to go.

6 MR. CHRISTODOULOU: Back in 2007, we did not
7 have a beneficial use statute. So they were going to just
8 upland disposal. They have their own onsite facility for
9 upland disposal. So this material would be for upland disposal
10 at their location. But any new dredging plans that they put
11 forth would have to go toward beneficial use.

12 MR. DRUMMOND: Thank you.

13 DR. ASPER: We have a motion that's been
14 seconded. Any further discussion? Those in favor say aye.
15 Motion carries unanimously. Thank you.

16 MR. BOYD: That concludes our presentation.

17 DR. ASPER: Financial report.

18 J. Administrative Services

19 2. Financial Report

20 MS. VESA: Today's report reflects the status of
21 our budget as of November 30, 2012. Our budget was \$6,152,176.
22 At that date, we had spent \$3,225,441, leaving a remaining
23 balance of \$2,926,735.

24 And our tidelands are all obligated and going.

25 Thank you.

28

1 DR. ASPER: There was some discussion about the
2 possible need for an executive session. Would any of you like
3 to make the motion that we go into closed session for the
4 purpose of considering the need to go into executive session?

5 MR. GOLLOTT: I'll make that motion.

6 DR. ASPER: And the purpose of this would be to
7 consider some potential personnel actions and some legal
8 issues.

9 Is there a second to the motion?

10 MR. BOSARGE: I'll second that motion.

11 DR. ASPER: Those in favor say aye. Okay. So
12 we will adjourn from here and go into a private room with our
13 legal staff, and we will take a vote regarding the need for
14 going into executive session and send somebody down here to
15 tell you whether or not that was decided.

16 (Off the record 9:20 a.m.)

17
18
19
20
21
22
23
24
25

29

1 COMMISSION ON MARINE RESOURCES

2
3
4
5

6 COURT REPORTER'S CERTIFICATE

7 I, Norma Jean Ladner Soroe, Certified Shorthand
8 Reporter, do hereby certify that to the best of my skill and
9 ability I have reported the meeting of the Commission on Marine
10 Resources and that the foregoing 29 pages constitute a true and
11 correct transcription of said meeting held on the 20th day of
12 December 2012.

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

17 Witness my signature this the 2nd day of January
18 2013,

19
20
21
22
23
24
25



NORMA JEAN LADNER SOROE, CSR #1297
Certified Shorthand Reporter

30