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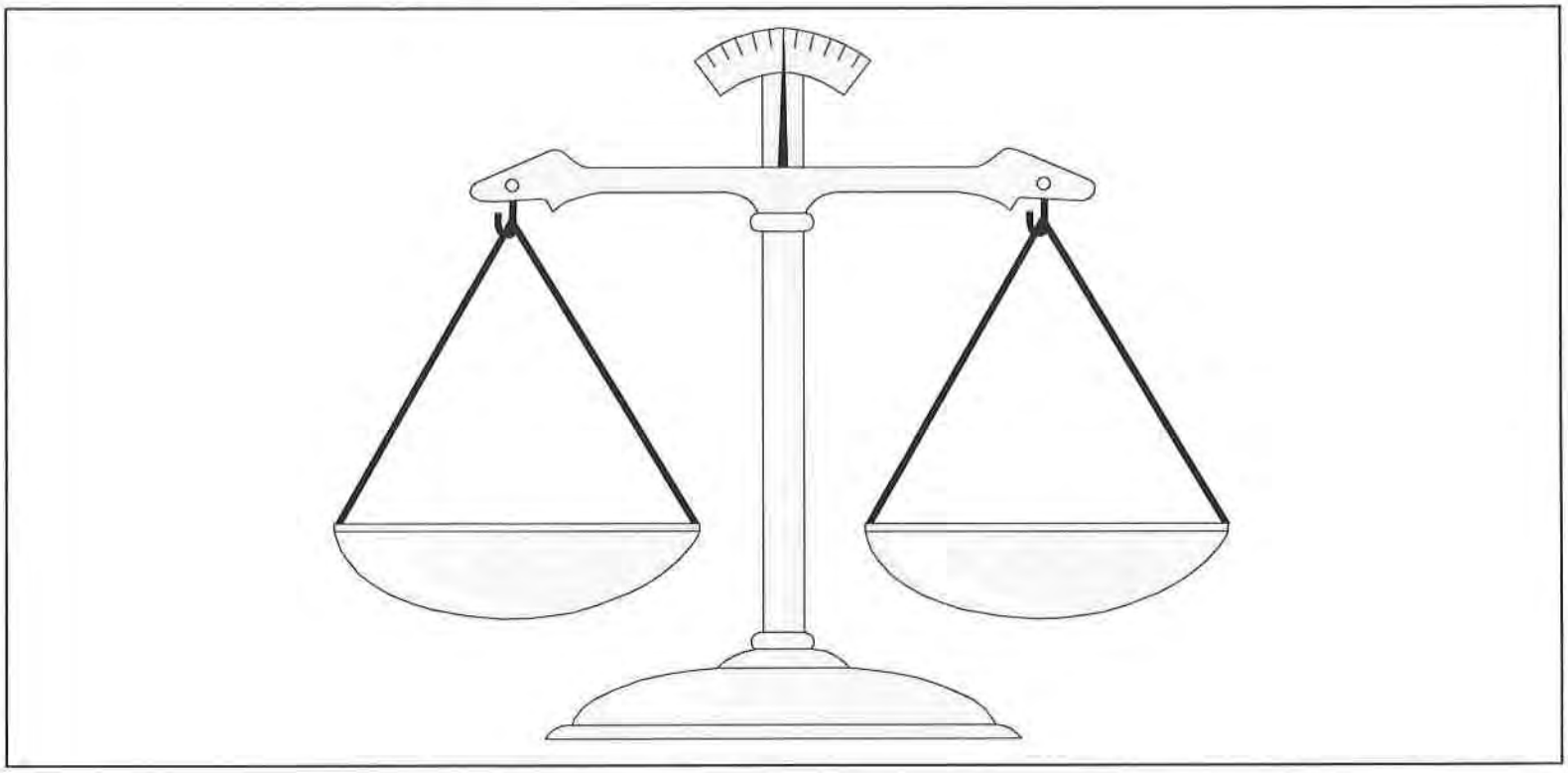

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

February19, 2013

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COMMISSION ON MARINE RESOURCES

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TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW AVENUE, BILOXI, MISSISSIPPI, ON THE 19TH DAY OF FEBRUARY 2013 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.
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COMMISSION MEMBERS PRESENT:

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

ALSO PRESENT:

DANNY GUICE, Interim Director DMR
JOSEPH R. RUNNELS, ESQ., Asst. Attorney General
SANDY CHESNUT, ESQ., Asst. Attorney General

A. Call to Order

DR. ASPER: Good morning. Welcome to the regular February meeting of the Mississippi Commission on Marine Resources. Glad to have everybody here. Welcome your comments at the appropriate time and your input at any time.

B. Approval of Minutes

DR. ASPER: First on the agenda is approval of the minutes. Are there any corrections or changes to the minutes as distributed? Or is there a motion to approve?

MR. GOLLOTT: Motion to approve, Mr. Chairman.

DR. ASPER: Second?

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

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

C. Approval of Agenda

DR. ASPER: We have the agenda that was distributed. There should be copies in the back. Are there any changes or additions?

MR. TAYLOR: Mr. Chairman, under marine fisheries, I'd like to add Number 5. I don't know whether to call it snapper or rig removal in the Gulf of Mexico.

DR. ASPER: Okay. Are there any other additions?

MR. GOLLOTT: Mr. Chairman, do we need to add something in other business on the director's position?

DR. ASPER: Certainly. I think that's appropriate.

MR. GOLLOTT: Okay. I'll make the motion that we add that to the agenda to discuss the director's position.

DR. ASPER: Under M, other business.

And are there any other additions?

Is there a motion we approve the agenda with these two additions, Item G-5 for the snapper rigs issue and Item M-1 for the executive director advertisement discussion?

MR. GOLLOTT: So moved, Mr. Chairman.

DR. ASPER: Is there a second?

MR. DRUMMOND: Second, Mr. Chairman.

DR. ASPER: Those in favor say aye. Approved unanimously. Thank you.

D. Public Comments

DR. ASPER: Okay. This is a time for public comments. And if you want to make public comments, there's a little form to fill out in the back. It's not a big deal, just your name and basically what you want to talk about.

We normally only give you like two minutes. I'm going to stretch that just a little bit this morning. I think from the e-mail, etcetera, that I'm getting, it may be possible that people have more to say than can be said in two minutes. I'm going to expand it just a little bit. But please be as concise as possible.

So when I call your name, please come to the microphone, state your name, and then make your comments.

First we're going to go with Manny Skinner.

MR. SKINNER: Thank you very much. My name is Manny Skinner. I'm a commercial fisherman.

I guess I have to break the ice this morning.

Anyway, I want to speak on commercial oyster tonging reefs that we have in Mississippi. The last meeting we had, the public meeting here in February, I got up and spoke about some of the -- trying to do some of the oyster reefs here in the Mississippi Sound. And I spoke about Pascagoula area. And Mr. Asper said they probably never be opened because of pollution of the water.

And I agree with him one hundred percent. If you look up on Highway 98 right now, it's backed up for miles, the Leaf River and the Chickasawhay. And I'm assuming that the Pearl river is backed up just as much.

And as of right now, we haven't had but one week out of two months to oyster in the Pass Christian area.

Now, what I proposed three years ago was to build an oyster reef on outside of Deer Island. Now, I got some support from Mr. Richard Gollott, but I haven't got no support at all from the biologists.

Started off saying that we haven't got no money to build such a reef on the outside of Deer Island. And

basically we can see why we didn't have no money then.

And now, the reason now is is because if we build a reef out there it's going to be because the conchs going to eat it up.

But now, east of Belle Fountain beach the last part of last year, we was talking about opening up a tonging reef down there and basically giving the tongers a place to work. And that didn't materialize because the water is polluted down there too bad.

My suggestion is to take these -- all these rocks and shells and stuff, some of these rocks and shells that they're going to put at the Pass, which they probably done started doing, and build a reef on the outside of Deer Island between the land and the rock jetty.

We've tried to build reefs in this area, but they never been successful for the simple fact is the White House reef never got worked like it should have, and sand covers all the reef.

And then we was talking about Grand Bayou. We built a reef there at Grand Bayou, and it never did work because the pollution rate was always too high.

But the pollution rate in the Pascagoula River and the Pearl River, I don't think it's going to change. I think it's going to be a bad situation for the commercial fishermen that oyster for many years to come.

And right now, since Christmas, we've only got one week out of almost two months. And the fishermen, you know, a lot of these guys like me, we depend on this kind of a business to make it through the winter because the shrimping has stopped, the crabbing has stopped, and there is nothing else to do but get on welfare.

And basically, Friends, we're not welfare people. We're people that want to work for what we get.

When you got to feed your family and pay your bills, you got to pretty much do whatever you can do.

And if we could get some money appropriated -- which I think we got some money coming, $20 billion dollars is coming to this area. Now, we're not going to get all that money. I stated that at the last meeting. But if we got a few billion, that's more than what we had yesterday.

And this reef that I'm talking about, I don't believe -- I believe that this area right here cleans up pollution-wise a whole lot quicker than the Pascagoula and the Pearl River area does. And the only thing stopping it now is I'm told by the biologists, is the conchs that are going to eat all the oysters up that we plant there.

Well, if we plant the oysters there, I feel like the tongers would give the conchs a run for their money because I believe we could get them.

And I'd just like for y'all to try to take this

thing into consideration. I know it's been sitting on the agenda or whatever for the last three years and nothing has been done about it. And we need some help. We need some help.

And the oyster reefs down at the Pass that belong to the tongers on the inside, well, it looks like to me they've all been given to the dredgers now. Them dredgers can get in there and get them oysters quicker and faster than we ever thought about doing.

And the only reason we ever got a whole lot of oysters is because the Alabama tongers was down here. Now they got their own reefs, they don't come down here no more. So we are very limited on the amount of men that will go out there and work those reefs.

And we cannot get down to those other areas such as Henderson Point and Waveland and all them because we ain't got the time, and we ain't got the manpower.

What we've done in the past years, we took what used to be a thriving industry, the tonging men, and we had no dredging in Mississippi at all 30 years ago. It was just tongers only. And we could work those reefs.

But we ain't got the manpower because the men that would do that kind of work can't survive. They have to leave that work and go and find another job. And we just got a handful of tongers now compared to what we used to have.

So I suggest --

DR. ASPER: Manny, I thank you for your comments. We're going to have to move on to the next person.

One of the things that you're talking about is this Restore Act money that's coming from the BP settlement. And we're not certain exactly who's going to have authority to decide where that money gets distributed, but what you're talking about here is really useful, and we appreciate it.

The gentleman sitting right behind you, Dr. Cake, is one of our state's foremost authorities on oysters, so you might want to talk with him about some ideas on how we can put this together. He's also a very strong advocate for some other issues. He may be a real ally there.

MR. SKINNER: He is.

DR. ASPER: I would suggest you talk to him because he's --

MR. SKINNER: He's already an ally.

DR. ASPER: Okay.

MR. DRUMMOND: Can I ask a question, Mr. Chairman?

Thank you for your comments, sir. I appreciate that.

If I didn't misunderstand you, are you saying that you're giving up on the Jackson County reefs?

MR. SKINNER: They're done. They have not been no reefs open to tongers in that area for years.

MR. DRUMMOND: Well, I disagree with you, sir. I believe something is going to happen. I don't know when it's going to happen, but I think it's something going to happen to secure those reefs again so you can get some oysters there.

MR. SKINNER: Well, I appreciate your help on that situation because we would be more than happy to go to Pascagoula area and tong oysters there.

MR. DRUMMOND: I really don't want you to give up, sir. We're going to try. Okay?

MR. SKINNER: Thank you very much.

MR. BOSARGE: And also, Mr. Skinner, if you could maybe go through the oyster task force and try to compile some ideas that you could bring to us and we'll go from there.

MR. SKINNER: I will do that. Thank you, sir.

MR. BOSARGE: Thank you.

DR. ASPER: Thank you.

Next is Dr. Cake.

DR. CAKE: I'm Ed Cake, Ocean Springs, Mississippi, resident.

You have before you on the dais a copy of a petition that has been signed by 67 Mississippi residents. Those petitioners include commercial and recreational fishermen, marine and environmental consultants, fishery scientists, attorneys, and other informed concerned citizens. Forty-two are residents of Harrison County. Twenty are

residents of Jackson County. Four are residents of Hancock County. And one, Manny Skinner, is a resident of Stone County, and you can see why he's concerned.

I won't bother to read the petition as it is. It's there as a document. I would just summarize by saying the Mississippi Code of 1972 as amended by Title 49, Chapter 15, Section 25, authorizes the Commission on Marine Resources to appoint an advisory council of persons who may fairly be regarded as representative of all the various segments of the seafood industry. This council shall aid the commission in formulating policies and discussing problems related to the administration of this chapter and the advancement and protection of the seafood industry. And by seafood industry, I think we mean all marine resources, not just those that we harvest.

It's my understanding from Chairman Asper that no such council exists at this time. So we respectfully request that you appoint and utilize the authorized advisory council as you begin the task of identifying, screening, and selecting candidates for the position of executive director for the Department of Marine Resources.

Respectfully presented. Thank you.

DR. ASPER: Thank you, Ed.

Any questions or comments on this?

We will take this very carefully into

advisement. I think I for one am always in favor of all the advice we can get. And very careful deliberations on all of the decisions we make. And I appreciate this.

I'm not sure if we can get it together in time to assist with the search, but we'll definitely take it under advisement.

Thanks.

Next is Nonnie deBardeleben.

MS. DEBARDELEBEN: My name is Nonnie deBardeleben from Pass Christian. And I'm here as a member of the Mississippi Women of the Storm.

I addressed y'all at the public hearing recently last month. And I'm here again to ask the commission in the search for the new director not to rush the process. We have am interim director who is in place. And I believe the daily operations of the DMR have not been interrupted.

At this time, the basic -- one of the main things that the commission has to look at is they have to be able to restore the public confidence in the management of DMR. And to do that, the search has to be equated with what a multi-million dollar business would do because you are a multi -- you oversee ultimately a multi-million dollar business.

You have to run the ad hopefully for a stated period of time. And you must interview the applicants. How else can you really evaluate a person, their public

presentation, even their personality? You can pick up so much from an interview. You can't just look at a person on paper and say he meets our criteria.

The other important thing you need to do is check references. A reference stated is usually always in glowing terms. And that may not necessarily be so.

I can tell you I have a Ph.D. and a Master's degree, and if you don't check it, you won't find out that I only have a Bachelor's degree.

So anybody can say anything on an application.

You need to look for the good and the strengths in that individual, but you also need to question the possible badnesses or weaknesses in the application as it would apply to the position.

And as to the financial situation at DMR, Mr. Guice has been very forthcoming with an estimate of the amount of money that is unaccounted for by DMR. And it seems to be that according to the law, the governor and the appropriate legislative committee was to receive annual statements submitted by the executive director of DMR.

Mr. Guice is spending a lot of time trying to trace this money. I suggest that someone in the governor's office or the appropriate legislative committee be asked for these reports and to be asked why did they not question the discrepancy in the misappropriation of these funds because

1 ultimately the buck stops in Jackson.
2 Thank you.
3 DR. ASPER: Nonnie, just a second. I just have
4 a couple of feedback points for you.
5 First of all, the annual statements, I have
6 copies of those annual statements now. Our finance person,
7 Tom, delivered those to me this morning. So we will be able to
8 take a look at those. And they're public information. I'm
9 free to share those. Is that right, Tom? Sandy?
10 MS. CHESNUT: Yes.
11 DR. ASPER: These are annual reports and budget
12 requests.
13 MS. CHESNUT: Yes, as far as I know. I haven't
14 seen the documents, but I would think they would be public
15 record.
16 DR. ASPER: Okay.
17 MS. DEBARDELEBEN: I mean, the main reason is
18 with the Restore Act monies coming -- I mean, we're all going
19 to this meeting tonight, we're hopefully having a meeting with
20 the executive director of DEQ shortly. I cannot tell you the
21 concern, the e-mails I have gotten from other members of Women
22 of the Storm in Alabama and Louisiana questioning what is going
23 to happen to our money when it comes here.
24 DR. ASPER: One of the concerns that we have is
25 -- and nothing against Mr. Guice. He has done a fantastic job.

1 All the feedback I've gotten regarding Mr. Guice has been
2 totally positive. And he is definitely getting things in order
3 here at the department, so we're very pleased with that.
4 But in terms of the ongoing future and
5 especially regarding the money that's coming through the
6 Restore Act and getting that established and putting it in
7 place, I think one of the things that's going to help us is
8 stability. You're going to hear later when we discuss this
9 advertisement, there is some interest in trying to get this
10 process accomplished before the end of the legislative session.
11 And I think we're going to discuss that. I'm
12 not sure how that discussion is going to go. But just to let
13 you know that the reason is that, remember, this person has got
14 to work with the legislature. He or she has to be confirmed by
15 the Senate and appointed by the governor. So it might be of
16 significant benefit to the department to have this person in
17 place sooner rather than later.
18 Now, I don't disagree with what you said about
19 the process being really, really important. I'm on your side
20 completely about that. But I just wanted to express the other
21 side of the argument and the benefits of getting the process
22 completed.
23 If it were possible to do both, I think that's
24 going to be our goal. And that's what we'll discuss at the
25 very last item.

1 MS. DEBARDELEBEN: Okay. I'll be here for the
2 discussion. Thank you.
3 DR. ASPER: Thank you.
4 Terese Collins.
5 MS. COLLINS: Thank you. I'm Terese Collins. I
6 live in Biloxi. And I represent Gulf Islands Conservancy.
7 And it would concern me greatly if you would
8 rush this application process and the choice of three
9 applicants to send on to the governor. We've had problems with
10 DMR for years that could have been addressed prior to now.
11 The legislature has been in session all those
12 times and never once has any of the -- or have any of these
13 problems been brought forth to anyone. If they went to the
14 attorney general through the attorneys that work here, then
15 what happened? Why was that not addressed at that time?
16 We've come before you before with other issues
17 that were apparent problems to us, and they have been avoided.
18 So why now the rush just because the legislature is in session?
19 That to me is not the reason to rush this situation.
20 As any other due diligent agency or corporation
21 or business, you should take as many applicants as you can.
22 There should be a minimum time for receiving applications. If
23 you decide today that you're going to do it for a week, then
24 that shows the public that we really can't trust you, that
25 you're not looking for an open process, that it's open and slam

1 the door, let's get this done, and I don't think that's what
2 you really want because we need to restore the trust in DMR
3 which does have great staff members, but more importantly in
4 the CMR which oversees this agency.
5 I'm not pointing fingers at anyone, but the Sun
6 Herald certainly has. And I think there's a lot to be
7 answered. And we need to know that you are truthfully looking
8 out for the marine resources of coastal Mississippi and the
9 State of Mississippi because there's a lot of money flowing
10 into this agency in the past and in the future, not necessarily
11 just budget money that the Senate and the legislature is
12 looking at, but the BP restoration, NRDA, whatever comes forth.
13 So why the rush? What is so important about
14 rushing this decision? The minimum time should be at least a
15 month. How long do you take to advertise a wetlands permit?
16 How long do you take to make a change in the Mississippi
17 Coastal Program? How long do you take to review any fisheries
18 regulation? Those are just as important, but they're not more
19 important than what you're going to decide on this director.
20 If you only go by the statute which says you
21 have to pick three applicants and send them to the governor,
22 that's fine. But if you look in your handbook, it gives you a
23 lot more leeway for how you look at those applicants and what
24 you can expect that person to do. And if you don't take these
25 applications and seriously interview them and check their

1 references, there's no way that that person could fulfill the
2 duties that you have installed or instilled in them or given to
3 them, whatever the word is, without asking them questions, how
4 do they feel on certain situations, like the Coastal Program or
5 fishery regulations that you have, have they had past conflicts
6 of interest in their past experiences, you know, what are the
7 pros and cons of these applicants. It doesn't matter who he or
8 she is, those are just normal common sense questions that must
9 be asked by this commission before you send three people on to
10 the governor for approval or on to the Senate. They have
11 called special sessions for things far less important.
12 So if this process is truly going to be open and
13 honest and transparent, then we ned to take time.
14 The CMR must exert its authority. It must give
15 us time to look at these applicants. There should be a minimum
16 of a month to receive applications because I don't know how
17 you're going to get the word out and get real applicants if you
18 don't do that.
19 You've heard the public request at the public
20 hearing. Everyone said the same thing. So if you're going to
21 ignore it, I would ask each one of you to individually tell us
22 why you are not going to take more time to look at this
23 application process and the applicants and why you individually
24 will not interview those applicants.
25 The funding that will be coming through here is

1 going to be enormous, and we need to know that we can trust
2 that those funds will be used for the benefit of the public and
3 the benefit of the resources. We can't continue to operate as
4 we have in the last years. And, you know, we could go on and
5 on and on, but there are things like the Foundation boats. Who
6 went out on those Foundation boats? What were the sample
7 results? How many times did you go out on the sample boat?
8 What was the purpose of your going out on the Foundation boats
9 that were supposed to be sample trips?
10 And there are so many things that we don't know
11 that we have the right to know that I think rushing this
12 process would only make things look worse rather than better.
13 And all we're asking is that you treat this with
14 the respect the agency deserves, you bring in the applicants
15 and give yourselves and the public time to see that the process
16 is really open, have a minimum time, it doesn't have to last
17 forever, but at least a month to get applications through here.
18 You as the commission interview these people and check their
19 references because I've worked for the State of Mississippi,
20 I've worked for the City of Biloxi, and I've worked for private
21 corporations, and I can tell you the process is generally
22 followed. When it's not, things go wrong. And we have had
3 people work for all these groups that because their references
24 weren't checked, they lied on their applications, and
25 eventually may have been fired or not. You've got contract

1 people working here. Where are the RFQs and the RFPs for those
2 contracts to open the process so that everyone has the
3 opportunity to bid on these things?
4 There are many, many things that we can look at
5 and talk about. But the point is you need to restore public
6 trust in this agency so that we know our tax dollars are being
7 used for the best benefit of the public.
8 We appreciate the opportunity to talk to you,
9 and we hope that you take this seriously because if you don't,
10 I think your public trust is at stake.
11 And to go to the oyster issue, just to kind of
12 switch gears here, the oysters filter pollution. So whether
13 the water is polluted or not, we have been pushing hard for the
14 Restore funds, the NRDA funds, early restoration funds, to be
15 used to spread oysters all over the Gulf Coast because one reef
16 in Hancock County is great. One flood wipes out that reef, and
17 our oyster industry is out for the year or two years or three
18 years, whatever it takes to rebuild that reef.
19 In the past, we had reefs all over the
20 Mississippi Gulf Coast. Back here were some of the biggest
21 reefs we had on the coast, the Biloxi Bay oysters. On Point
22 Cadet, when we were building Point Cadet Marina and that
23 project, we couldn't extend the marina because the seed beds
24 for oysters were sitting right there off the point.
25 What happened? Those oysters couldn't be

1 harvested, either, but they were harvested and moved to waters
2 that were clean.
3 So what we're pushing for is that you disburse
4 oysters throughout the coastal ecosystems, let them purify,
5 help purify the water, let them act as seed beds so that they
6 can, you know, send spat out all over the place to settle
7 wherever they want to, and then start cleaning up the water by
8 handling point and non-point source pollution and give the new
9 sewer plans to take the waste stream out of the waters. But
10 that's a different issue.
11 Thank you.
12 DR. ASPER: Thank you, Terese.
13 Yeah, I'm very glad to hear that the fishermen
14 are getting behind the environmentalists and working towards
15 the same end. I think that's really good.
16 We all agree that more oyster reefs are better,
17 not only for the oysters themselves, but also for fishing reefs
18 and everything else. That's just totally beneficial.
19 Let me just respond a little bit, Terese, to
20 your comments about the rush. And again, I want to reiterate
21 what I said earlier. There is some benefit to getting beyond
22 the interim situation. Right now we have an interim. And if
23 that interim lasts for another year, which is what would happen
24 if we miss the confirmation deadline, then that could be
25 detrimental. So that's the concern.

1 And again, I agree with you that this process
2 needs to be executed carefully and diligently. I've been on
3 several search committees at the university, and that's how
4 everything proceeds. That's what I'm trying to model this.
5 But I think that the argument is going to be
6 made that we need to get the department beyond a state of flux
7 and transition. We need to get things established so we can
8 move on.
9 And one other comment you mentioned about how it
10 should be helped to get the word out. Well, we have had
11 tremendous help from WLOX and the Sun Herald to get the word
12 out. And I think the word is and has been out since the middle
13 of January that we're looking for an executive director. So,
14 it can be argued that we have a special case here. And there
15 have, in fact, been several applications received. I've only
16 seen one of those. But we are going to take a look at those.
17 And the point is -- you want to make more
18 comments? Go ahead.
19 The point is that we're going to take a look at
20 those applications even before the advertisement is finalized.
21 The process is already ongoing and has been for some time.
22 So I agree with you a hundred percent that
23 rushing is a bad idea. But on the other hand, this is perhaps
24 a special situation.
25 MS. COLLINS: Get the word out doesn't mean Sun

1 Herald or WLOX.
2 DR. ASPER: I understand that.
3 MS. COLLINS: Get the word out means advertising
4 in professional publications. Go to the whatever that look for
5 candidates of the qualifications we need to run this agency.
6 It's not send it to the local news and tell them
7 to put it on TV.
8 We hope that we have applicants from far greater
9 areas than just the Mississippi Gulf Coast or north in Jackson.
10 So that's not going to hold water, I don't
11 think, that argument.
12 How do you -- again, how long does it take to
13 advertise for a wetlands permit with this agency? Seriously,
14 how long does it take?
15 MR. TAYLOR: Ms. Collins, we're not advertising
16 for wetlands. We're looking for a director.
17 MS. COLLINS: I know. But we're talking time.
18 MR. TAYLOR: And so on the other thing that is
19 brought up is that whether you're aware of it or not, over the
20 years the privacy act has changed the way you do business.
21 In other words, you know, you might have
22 applicants that have a job. And if their employer finds out
23 that they're looking for a job, they could fire them.
24 So we have to be very careful when it comes to
25 letting -- I don't want to say letting the public know -- but

1 divulging who has applied.
2 So, I mean, you know, I myself in my business
3 have a shredder. And I have to put everything that's got
4 anybody's any information in that shredder box. I cannot -- my
5 staff or myself cannot leave one of those folders on my desk
6 when we leave to go to lunch or anything.
7 So it is a concern, you know, for all of us.
8 And the time is a concern.
9 But anyway, I just -- you know, as far as
10 releasing the names --
11 MS. COLLINS: I didn't -- yeah.
12 MR. TAYLOR: I got that's where you were coming
13 from.
14 MS. COLLINS: No, I'm not asking to release the
15 names. I certainly understand that. I would hope that this
16 reference has more than just their present job applicant
17 reference because you're not going to check that because
18 they're going to say please don't call my employer, he doesn't
19 know I'm applying.
20 We would hope they have experience past their
21 one job, and those references can be checked. And I run a
22 business, too, so I understand the privacy act for a private
23 business, but this is a public agency.
24 We're not asking you to put a list of applicants
25 in the paper. That's not fair to the applicants. Although we

1 would love to see it, I don't think it would be the proper
2 thing to do. We'll see the three that you certainly suggest to
3 the governor, I would think.
4 But when it comes to looking at references, we
5 would hope that they have references beyond their one job that
6 you can check. And there should be no hidden agenda there.
7 This is a public agency dealing with public
8 monies. And if they can't provide an application that gives
9 you the ability to question them openly discreetly, not with
10 the public here sitting here obviously, but discreetly, then
11 they shouldn't be considered anyway.
12 And if you can't look at three references and
13 call those people discreetly and with those people knowing that
14 they can't divulge that call, then maybe that applicant has a
15 problem.
16 And I understand private rules and regulations.
17 I've had to deal with them, too. That's not what we're asking
18 you to do. We're asking you -- and there's no rush. And we've
19 had more -- if the Senate had to, they could come back for a
20 day, look at the applications, and decide on it.
21 I don't see -- when does the legislative session
22 end? At the end of April?
23 DR. ASPER: March.
24 MS. COLLINS: March. So you're asking us to get
25 this thing done in less than a month. So if you advertise for

a month, then you would have less than a week to review applications.

What if the applicants can't get here in time to talk to you? Are you going to bring the in personally, or you're going to look at their piece of paper? You're going to skype them in and talk to them that way? I mean, I'm sure that would be one way of interviewing people.

But this is far too important just to rush it through because of an arbitrary deadline, which is maybe not arbitrary because they're going to go out of session. But this is a really important position. And to say that the public knows and these applicants know because WLOX and Sun Herald has been reporting on it, they're also reporting a lot of bad things that I don't think that we should rely on. And it should be going far, far away from just the Mississippi region if you want true applicants that, you know -- whoever ends up with it should be the best candidate, not just who saw it in the paper or on TV.

DR. ASPER: Okay. Thank you, Terese.

We really do appreciate these comments, and we will definitely take them into consideration. Everybody sitting here beside me wants this process to be done as accurately and efficiently as possible. So thank you for your comments.

Moving on now to Item E, executive director's

report.

E. Executive Director's Report

MR. GUICE: There is none.

F. Marine Patrol

DR. ASPER: Okay. Item F, marine patrol.

MR. CHATAGNIER: Good morning, Mr. Chairman, commissioners, Director Guice, our legal.

Marine patrol has been busy. We had a couple of cases in the oysters, oystering in a prohibited area. Mr. Ryan was caught in the Pascagoula area oystering where the area is closed due to FDA standards. Cynthia Jarmin was with him, and she was steady throwing the illegal oysters out the boat when they were caught. So they were trying to get rid of the evidence.

Got one of our live bait violations on the tow time violation. The officer watched him put the net in the water and continue to tow way past the 30 minutes that he was allotted for dragging.

Fishing license tickets are down. Maybe people are finally getting the word to get these license after they're paying high fines. I saw on the news that we wrote a man a ticket for -- and he had to pay an outrageous amount of fine, but what a lot of these people don't know, that money, our fine money is set by the legislation, one to five hundred dollars. The majority of that money goes to the court system. It

doesn't even come to us. And we don't have any choice in that whatsoever. It's what they call court costs.

So, I noticed the guy trying to give us a bad rap on getting a ticket, but if he wouldn't have violated the law, I guess he wouldn't have got the ticket.

Had a marine litter, couple of marine litter citations.

We got one guy for providing false information. Mr. Louis Ramirez. Turned out he had given the officer information off a stolen Social Security number out of Washington state. He was an illegal alien.

Taught one boat and water safety class, St. Martin High School, and certified 19 children.

We had two drownings during the coast during this last month of January.

And our dive activity, we didn't have any dives to do, which is good because the water is still kind of cold.

The JEA patrols, we did 22 patrols, 345 man hours, 143 contacts. Enforcement action reports was two. And state citations out of those patrols, we issued two.

Any questions?

DR. ASPER: Any questions? Thank you. Good job as always.

MR. CHATAGNIER: Thank you.

DR. ASPER: Move on to fisheries. Dale.

G. Marine Fisheries

MR. DIAZ: Good morning, Dr. Asper, commissioners, Mr. Guice, Ms. Chesnut.

I've got a few items I want to go over before we start with the fisheries presentations.

First, I want to let you know that we have filled the finfish bureau director job that Buck Buchanan used to occupy before he retired in December. And I'm happy to announce that Mr. Matt Hill is now the finfish bureau director. And I'm confident Matt is going to do a good job. If y'all get a chance later, if y'all get a chance to congratulate him, that would be good.

Also want to let you know that the crab trap cleanup is underway. Crabbers have until February 20 to remove their traps from marine waters of the state. Any traps that are in the marine waters between February 21 and February 23 will be considered derelict, and they will be removed by volunteers. So that's how the program is set up.

We are still in need of volunteers, so if you know any folks or any people still want to volunteer, they can do so by signing up on our website or calling our 374-5000 number and get more information from the shrimp and crab staff.

MR. TAYLOR: Hey, Dale.

MR. DIAZ: Yes, sir.

MR. TAYLOR: What do we do with the crab traps

when we take them?

MR. DIAZ: All of the crab traps are recycled, so they are sent to recycling centers. And I don't have the name in front of me, but we have a specific center lined up to recycle that material.

MR. TAYLOR: They're crushed?

MR. DIAZ: They're crushed and recycled.

MR. TAYLOR: Are a lot of these traps useable?

MR. DIAZ: Some of them are. We get them in all different states. You know, some of them's badly deteriorated. Some of them are useable.

All the ones that are brought in I believe are smashed and then brought to the recycling center.

MR. BOSARGE: And what were those dates again, Dale?

MR. DIAZ: Well, it's the time for the season to be closed. Now, crabbers can pick up their traps and they can harvest the crabs from now through the 20th of February. But they have to keep the traps out of the water.

And the actual cleanup will occur February 21 through 23. We're going to have people over at three sites, in Pascagoula, down by the boat ramp by the foot of the beach, at the Ocean Springs Harbor, at the boat ramp in Bayou Caddy from nine o'clock to three o'clock on the 23rd to accept traps from the volunteers.

We do have some prizes and some different things to give to folks that show up and volunteer.

Also wanted to mention, at the last meeting, Commissioner Gollott asked the staff to look into building an oyster reef in the area of Katrina Key. And the staff did go out last week, and they poled the bottom in the area that you had talked about, Commissioner Gollott. And what they found is the bottom is too soft in the area that they poled between Katrina Key and the shoreline. And they worked all up and down in a grid pattern, all on the north side of Katrina Key.

So we did follow up on that, I just want to let you know, but the bottom is not suitable of holding material. It's just a little bit too soft.

MR. GOLLOTT: Dale, let me ask you a question.

MR. DIAZ: Sure.

MR. GOLLOTT: If my memory is correct, there used to be a reef almost to the beach there on the north side of Deer Island -- I mean, on the south side of Deer Island.

MR. DIAZ: Yes, sir.

MR. GOLLOTT: Did y'all check that area and see if we could put oysters?

MR. DIAZ: I don't know if they got that close. The one I think you're talking about was right next to the beach in shallow water. You could actually walk up and wade to where the oysters were at. I don't know if they checked that

far in. Dr. Cake says it's covered with sand now.

DR. CAKE: With the new beach they pumped in.

MR. GOLLOTT: Do you think it would support relaying or anything like that?

DR. CAKE: Probably offshore of it.

MR. GOLLOTT: That area does get polluted because when we were separating oysters off of Belle Fountain and off of Deer Island, when you got a heavy rain, that area would pollute up.

Just looking for a way to put these tongers to work.

MR. DIAZ: Well, you know, based on your suggestion last year, we did plant a new reef on the north side of Deer Island towards the east end. And we put some material out in the spring of the year. And we're trying to expand and make a reef that could be used for tonging. It was just planted this past year.

What we found in that area before is it's an intermittent area, so sometimes the right conditions, oysters will survive and grow up the size where they could be harvested. But then sometimes you have conditions where it's either too wet or too dry, and we'll have times whenever it's not productive.

MR. GOLLOTT: Dale, do you think that area would be big enough to relay out of the Pascagoula or Graveline area

and let them tong? You know, you could use it this year if you set up a relaying program to relay for a month or two and then close it for a month or two and then let the fishermen go in there.

MR. DIAZ: We do have a boat trip set up next week. We're planning on taking Dr. Powell out. He's the new director at GCRL. And he's going to go out on the boat. And we're actually going to go check some oysters in the Biloxi Bay area that we could potentially relay from and the Pascagoula area. So we'll look at that next week while we're out, and I'll report back to you.

MR. GOLLOTT: Thank you, sir.

MR. DIAZ: Thank you.

Next I wanted to mention, a couple of years ago, Dr. Asper asked us to set up some different seminar series where we could bring different interest groups together and different scientists and members of the public together to look for ways where we could collaborate on projects. And we've been doing these seminars for a couple of years.

The next one we have planned is going to be for March 12, and it's going to be at 6:00 p.m. right here in this room. It's going to be on artificial reef. And we have different people lined up to give presentations. And there will be an artificial reef presentation by Kerwin Cuevas. We're going to have a presentation on red snapper aquaculture,

1 another one on invasive lion fish on artificial reef, and we're
2 also going to have a charter boat captain that's going to wind
3 up the meeting and give any of the members of the public that
4 shows up some different tips on how to fish artificial reefs.
5 Hopefully that will entice some members of the public to come
6 hear some tricks of the trade.
7 So anyway, March 12, 6:00 p.m., we're going to
8 keep those going.
9 If y'all got input on how we can do those
10 better, we'd love to hear it.
11 Next up, I wanted to take just a minute and give
12 you an update on a recreational red snapper issue that's kind
13 of come to the forefront in the last few weeks.
14 There was a vote at the last Gulf of Mexico
15 Fisheries Management Council meeting dealing with how to handle
16 states that are noncompliant with recreational red snapper
17 regulations in their state waters.
18 Just to let you know, red snapper is managed as
19 a single stock in the Gulf of Mexico. So if a state is
20 noncompliant with recreational red snapper regulations, the
21 federal season must be shortened to take into account the fish
22 that will be caught because of the noncompliance of that
23 state's regulations.
24 So the season is shorter for people in other
25 states. So just to give you an example, in 2012, the federal

1 red snapper season was 40 days, and that was with a two fish
2 bag limit and a 16 inch size limit.
3 Texas has had a 365 day season in their state
4 waters for a number of years now, and they have a four fish bag
5 limit with a 15 inch size limit.
6 Both Louisiana and Florida are considering
7 having separate state seasons in their state waters in 2013.
8 So between Texas having a state season, if
9 Louisiana and Florida follow through with some of the plans
10 that they are proposing, it could substantially shorten the
11 federal season for the states that have been compliant.
12 Mississippi has been compliant for a number of years with the
13 federal season.
14 So at the last Gulf of Mexico Fisheries
15 Management Council meeting, there was a motion made to try to
16 help remedy that situation. And I have that motion on the
17 board right now. And if you don't mind, I'm going to read it.
18 It says the motion is to request the National
19 Marine Fisheries Service to implement an emergency rule to
20 develop new accountability measures for recreational red
21 snapper that provides if one or more Gulf states establishes
22 less restrictive recreational red snapper regulations than
3 federal regulations, then the regional administrator has the
24 authority to reduce the recreational red snapper season in the
25 EEZ off those states by the amount necessary to account for the

1 additional harvest that would occur as a result of those
2 noncompliant state regulations.
3 So that is in place now, and that should take
4 care to where the federal season off of Mississippi and
5 currently Alabama is not considering going noncompliant,
6 either, so the federal season off those states will not be
7 impacted.
8 We had to take into consideration at the council
9 meeting the fact that the way the boundary between Mississippi
10 and Louisiana is, it kind of makes a 90 degree angle right
11 there where Chandeleur and Ship Island is south of our state.
12 So what the council voted on is to use this map in the event
13 that a state is noncompliant, then this is the map that will be
14 used to close federal waters adjacent to that state.
15 So I do have a -- the way this works is the
16 federal waters that are going to be considered adjacent to
17 Mississippi follow the Louisiana line that's been in existence
18 for many years, the three miles outside of Chandeleur, their
19 normal state line, down to the mouth of the Mississippi River,
20 and it goes three miles off the mouth of the Mississippi River.
21 Anyway, that line will go around to South Pass,
22 and it goes due south from South Pass all the way out to the
23 200 mile mark.
24 On the eastern side of the state, the line will
25 be the Mississippi-Alabama line running due south out to the

1 200 mile mark.
2 So in the event if Louisiana was to go
3 noncompliant, the federal waters that would close would be from
4 Southwest Pass west to the Texas state line is the waters that
5 would be impacted off Mississippi. And we would have an area
6 south of Mississippi for federal waters that would remain open
7 would not be impacted.
8 MR. BOSARGE: I think you mean South Pass, not
9 Southwest Pass.
10 MR. DIAZ: I meant to say South Pass. I'm
11 sorry.
12 So anyway, this is the map that was voted on at
13 the council meeting, and that's what will be in place if that
14 has to be exercised.
15 MR. TAYLOR: Dale, one of the reasons the states
16 are going noncompliant, this is on the internet and all, there
17 hasn't been a stock assessment. I think they're doing one now;
18 correct?
19 MR. DIAZ: Yes, sir.
20 MR. TAYLOR: Is that you can't fish for anything
21 else out there, you know, get down to grouper or amberjack
22 without the snapper. And the states are really -- the
23 fishermen are really aggravated with this. And I think that's
24 the reason. It doesn't make it right, but I believe that's the
25 reason.

I also read where I believe there's a move to do a regional, a smaller regional management of the red snapper because from what I read, the larval count in the northwest Gulf off Alabama, Mississippi, and Louisiana is three or four times higher than the larval count off of FLorida and off of Texas. And this is just stuff I'm reading on Rod-N-Reel and different places, comments, and with links to different thing.

And so, you know, maybe next meeting you might want to fill us in on that and give us some heads up because we get a lot of pressure to go noncompliant.

MR. DIAZ: Right.

MR. TAYLOR: I mean, from all the recreational fishermen, the charter boats, and even commercial fishermen, you know.

So anyway, that's it.

MR. DIAZ: And there's been a lot of talk about snapper lately.

As far as Mississippi, I mean, our waters are relatively shallow, our state waters. And in recent history, we just haven't landed a lot of snapper in state waters in recent history.

One of the things that's got people I think up in arms in other states is the federal seasons are actually getting shorter for recreational red snapper, even though the stock is rebuilding and more pounds of fish is available to the

recreational fishermen.

For instance, in 2011, the season was 48 days. In 2012, it was originally set for 40 days.

But the size of fish is getting bigger, and that's the issue. In 2007, the average size red snapper was 3.32 pounds whole weight. In 2012, it had over doubled. It was 7.07 pounds whole weight.

So because the fish are bigger, the total amount that's allowed to be caught by the recreational fishermen is being caught up quicker.

Any other questions?

MR. GOLLOTT: Dale, the devil's always in the details. What happens if Louisiana goes noncompliant, and Louisiana people when it's open, they close their season, then when it's open they go into Mississippi waters or Alabama waters? I mean, did y'all discuss that, what would happen?

MR. DIAZ: I think what it's going to be if Louisiana -- this is the way I understand it. Now, I don't think they put their regulations out. Me and Rusty had a conversation about this last week, and we was waiting for Louisiana to put what their regulations would be and firm them up, and I haven't seen them yet.

But the way I understand it, if they do that, that's going to pertain to fish the will be landed in their state. So they're proposing to only open on weekends, which

would be Friday, Saturday, and Sunday starting on Palm Sunday, and then running those weekends all the way through to Labor Day.

So it would pertain to fish that were landed in those state -- in that state.

And the same thing here. Mississippi, I think the only time they would be able to land fish here in Mississippi would be whenever there were waters open adjacent to our state where they could land those fish.

MR. TAYLOR: Dale, you know, the council -- and you said because of the size of the fish, we all see that when we fish, why can't they increase the poundage? I mean, if the fish are twice as big, you're catching half as many, and the bigger fish from what I understand spawn more than smaller fish. It just seems like they're trying -- and this is the thing that most fishermen feel is they're trying to punish the recreational fishermen, and it just doesn't make sense, you know, to keep the fish is a bigger fish so you go up or go down to two fish.

And very few people are fishing. I mean, you go out in the Gulf, and I go, you might see three boats where you used to see 50, you know. You also don't have the bycatch from the shrimp industry because there's nobody shrimping. You know, it's down -- what? -- 70 percent, Richard? Seventy-six percent.

So it just doesn't make sense.

I think a stock assessment will help, but I think there needs to be some common sense on the other, too, because y'all -- not say y'all -- it's destroyed an industry, you know.

MR. DIAZ: I understand. I understand the frustration.

The new stock assessment numbers should be out around the first of May, so we'll know if that gives more fish. Most people seem to think it will.

MR. BOSARGE: And I believe part of the reason for reducing the fishing time was the recreational side has gone over their quota for the last three or four years now, so they're trying to get a grip on how best to manage that resource for the recreational side, whether there be some type of fish tags, fish stamp, something where they could actually get a good handle on what's being produced.

MR. DRUMMOND: Dale, I thought the federal regulations overrode the state regulations.

MR. DIAZ: Not necessarily. I mean, generally speaking -- Sandy cold probably speak to this better than me -- but states have rights to manage fisheries within their jurisdictions. So the states can have these state seasons, but there may be some consequences if they have them to the federal waters adjacent to those in this particular circumstances.

MR. BOSARGE: One more comment, Dale. You know, as I've talked to you before, I was concerned about where they were going to mark our federal waters for the State of Mississippi. And, of course, you always want more. But I'm glad to see that they did bring it to South Pass and go directly south where we did wind up with some federal waters for the State of Mississippi.

MR. DIAZ: And that's only related to recreational red snapper. That's the only thing that's approved for.

I just want to make that clear.

MR. BOSARGE: It kind of almost sets itself.

MR. DIAZ: First up for marine fisheries is going to be Alex Miller from the Gulf States Marine Fisheries Commission, and he's going to give you a presentation related to sustainable fisheries pilot project that's being conducted by the commission.

3. GOM Sustainable Fisheries Pilot Project

MR. MILLER: Thank you, Dale. Thank you, Mr. Chairman.

I wanted to give you a briefing on our sustainability efforts, the sustainability efforts that are going on in the Gulf today, and then a briefing on our traceability efforts. I previously gave a presentation to you about our traceability efforts and wanted to follow up and let

you know where we were on that.

But we have a number of different activities that are going on with the commission as it deals with recovery from the oil disaster. We received funding from Congress to do a number of different things at the direction of our state directors in the five states. That includes marketing, traceability, sustainability, and testing.

So today I want to talk about the sustainability and try to distill it down and try to put out the key words and give you some education on what the different conversation has been in the seafood marketplace as it deals with sustainability.

So sustainability today is really a cost of doing business for the seafood industry. And it's largely driven by the major seafood retailers and food service providers --

MR. GOLLOTT: Excuse me, Alex. Could you pull that mic a little bit closer to you? Shelby Drummond can't hear. He just told me that.

MR. MILLER: Sorry about that.

To sum up here, sustainability is now a cost of doing business in the seafood industry. And there are a number of different retailers and food service providers that are driving the bus on this, primarily the Wal-Marts and the Whole Foods and McDonald's and those types.

So today, I want to give you a little bit of a better understanding of what are the standards and what does the standard mean, what does the certification mean, what is an eco-label, what is an advisory list, and what is a fishery improvement plan because the retailers are all requiring it, you know, one of these different types of standards or certifications.

So a standard is basically the criteria that a particular organization puts forth, such as the Marine Stewardship Council or the FAO. They basically set the requirements needed to be able to call it a sustainable fishery.

So this is similar to a college saying that if you want a degree in business, you need to have, you know, these certain classes and meet a certain level with your classes.

So then a certification basically is a third party audit or a third party assessment of that standard or that criteria, such as in a university would be like a third party professor or something comes in and evaluates the student. So these are done by a whole variety of organizations out there to assess is that fishery sustainable.

So then an eco-label is sort of a degree that you get from that college or the logo. So let's take Alaska. They have a standard for sustainable fisheries. A third party

auditor such the Global Trust would come in, and then they would issue -- allow you to use the Alaska seafood logo which communicates that that fishery is sustainable.

So some more lingo here in the sustainable seafood world. There are also standards called -- there are also advisory lists that are out there. These are different lists put forth by these different organizations, such as the Monterey Bay Aquarium Seafood Watch that's probably the most well known. And what they do is, they'll put sort of what we call a red light, green light, type of a rating on a species. Red is there's some concern there, and green if it's approved to be able to be consumed. So there are different ratings that are out here done by these non-profits.

Then we also have another term is a fishery improvement project. And this has largely been put forth by the retailers as a way to communicate that the fishery is in a process of achieving sustainability. If that fishery is not ready for a particular certification, you might be working with a fisheries improvement project that sends that message to the marketplace that improvement is happening.

So that's some of the lingo of what's going on globally in the sustainable seafood market.

So what's going on in the Gulf of Mexico? I borrowed this graphic from Louisiana. But there are a whole number of different things. There are new management plans.

1 There are certification of the management system. Ocean Trust.
2 We're putting together a Gulf watch website that's similar to
3 NOAA's fish watch website. Then we're working on and working
4 with a number of organizations such as the Audubon Institute
5 for third party certification.
6 A little more detail in terms of what's going on
7 in the Gulf of Mexico. The basis or the common denominator to
8 these different certifications or different ways to communicate
9 sustainability really lies in the UNFAO code of conduct for
10 responsible fisheries. So they take that, and then these
11 organizations, MSC, Friends of the Sea, the Audubon, interpret
12 that code in different ways.
13 In the Gulf of Mexico, there have been a number
14 of different MSC pre-assessments and only one full assessment
15 to achieve the logo or achieve the certification by the MSC,
16 and that's the Louisiana Blue Crab industry.
17 Friends of the Sea have been -- there's been a
18 certification for menhaden. And Audubon Nature Institute has
19 created a new program, Gulf ( ) and they initially work
20 on three different species. And then the commission, our
21 organization, would potentially partner with them for other
22 species in the Gulf of Mexico.
23 I mentioned the seafood watch site. It's sort
24 of an advisory list we're working on. And this will be similar
25 to NOAA's fish watch. But right now, NOAA's fish watch doesn't

1 have good information that deals with state levels. You can
2 see this is all federal positions. So we're going to work on
3 collecting information and putting it out on this website for
4 the state level species.
5 Fishery improvement projects. A number of these
6 are being done to meet retailers' demands for shrimp and big
7 fish throughout the Gulf of Mexico.
8 So that's the sustainability part just to give
9 you an introduction to what's going on in the Gulf of Mexico
10 and in the global seafood industry.
11 Switching gears a little bit here, on
12 traceability, I wanted to give you an update on our
13 traceability program. We call this program the Gulf Seafood
14 Trace Program, and it provides the seafood industry in the Gulf
15 of Mexico the use of electronic traceability tools to really
16 allow them to differentiate their product and achieve different
17 requirements that a buyer might have.
18 But there are certainly challenges out there,
19 and why we're continuing on with this traceability initiative,
20 challenges that deal with quality and safety, mislabeling the
21 commodity problem, regulation, i.e. use, species,
22 sustainability requirements that require chain of custody
23 traceability for a particular sustainable seafood
24 certification. Then there's marketing opportunities to show
25 the world where their products are coming from and their unique

1 characteristics.
2 A quick overview of the system. We use the
3 electronic trip ticket system at the starting point, at the
4 dock, and this level. That dumps into a data base, secure data
5 base, for electronic traceability that's in the process,
6 looking at information to the distributor and having
7 information, too, and that information can be shared with
8 retailers and restaurants and ultimately the consumer.
9 To date, we have 54 mainly processors from Texas
10 to Florida, and this represents about 20 to 25 percent of the
11 processors in the Gulf of Mexico.
12 This is an example what one seafood business is
13 doing, New Orleans Fish House, out of Louisiana. They manage
14 Emeril's Wild American Shrimp brand. They've embraced the
15 traceability program and have this product with the
16 traceability in about 250 stores around the globe.
17 We have a new partnership with the Gulf Seafood
18 Marketing Coalition where all of their retail and food service
19 promotions will require that the product is traceable. So
20 that's been a good move I think.
21 And the first promotion that we'll have with the
22 traceability is with AGB in Texas.
23 We also have a new partnership with the
24 Mississippi Hospitality Restaurant Association. They received
25 funding from the BP seafood promotion in marketings, and they

1 wrote in their proposal that they wanted to do a traceable Gulf
2 seafood promotion for coastal Mississippi restaurants. So this
3 is very new, and we haven't had the first meeting yet. I just
4 know that this is coming, so we wanted to share that with you.
5 So that should be a good opportunity.
6 Also with our traceability program, we have sort
7 of a unique pilot that deals with oysters, and that's we're
8 trying to figure out the best way to move the paper based
9 tagging that's required for traceability to electronic tagging
10 so that the recall process can be more efficient and it can be
11 more returnable investment to the seafood industry.
12 So feel free to go to our website for the
13 traceability program. There are news stories and updates that
14 are frequently put there.
15 So that's a little update on the traceability
16 program and then an introduction to a sustainability
17 terminology and then sort of what's going on in the
18 sustainability world. So be happy to take any questions.
19 MR. BOSARGE: The blue crab in Louisiana, I
20 understand, did they make it all the way to sustainable?
21 MR. MILLER: Yes. It was certified by the MSC
22 last year, I think last March. Yeah, it was the first blue
23 crab MSC certification in the world. So it did get the whole
24 nine yards.
25 MR. BOSARGE: They were jumping through a lot of

1 hoops to make that happen.
2 And did I understand you correctly to say that
3 they were working on oysters and shrimp in Louisiana to be
4 quote sustainable?
5 MR. MILLER: There's fishery improvement project
6 that they're working on with the Audubon Nature Institute for
7 the purposes of retailers like Wal-Mart that say if you don't
8 have that certification you have to be on the path to
9 sustainability. So that's what they're doing to meet that
10 requirement.
11 So there's the fishery improvement part.
12 There are also, I think there are initial
13 species that they're looking at, the Audubon Nature Institute,
14 FAO certification, that deals with oysters and I think shrimp
15 and maybe red snapper.
16 MR. BOSARGE: It would be nice to see how they
17 make it with that. Thank you.
18 DR. ASPER: Any other questions?
19 One of our more controversial fisheries, of
20 course, is menhaden. And it would be really neat if we could
21 get the sustainability stamp more on that fishery here. That's
22 something I think that we should investigate.
23 MR. MILLER: Right. That is the Friends of the
24 Sea that certifies the menhaden for I think Omega. But you're
25 right, it could be farther than that.

1 DR. ASPER: Again, I think it's so controversial
2 that if we had something like that it would help allay some of
3 that controversy.
4 Thank you.
5 MR. MILLER: Thank you all.
6 MR. DIAZ: Thank you, Alex.
7 Next up, Scott Gordon is going to do a
8 presentation on oyster license caps. It's something that we
9 brought to you the last couple of years in February, and we
10 want to bring it for you for your consideration.
11 4. Oyster License Limits
12 MR. GORDON: Good morning, Mr. Chairman,
13 commissioners, Mr. Guice, and Ms. Chesnut.
14 A little update on the oyster season before I
15 get into this. The Pearl River as of last night, it was 17.19
16 feet and falling. Had a sample boat scheduled to go out today,
17 and he called me early this morning and wanted to know if I
18 still wanted him to go out after all that storm last night, and
19 I said certainly, you know, I want to see what's going on with
20 it.
21 Then I understand from the forecast, we're
22 supposed to have another front come through the area I believe
23 on Thursday.
24 The CONSERVATIONIST is working cultivating
25 oysters in the western Mississippi Sound on mainly areas that

1 are heavily infested with hook mussels.
2 This chart that I have, I've updated it through
3 -- it's current. And this says the Mississippi commercial
4 oyster license sales. And going back to FY2000 all the way up
5 to the current date.
6 The green column is the -- these are all
7 commercial licenses. The green column is the resident dredging
8 license, and we are currently at 309 resident dredging
9 commercial licenses.
10 The yellow is the resident tonging license.
11 We're up to 105.
12 The red column is the nonresident dredging
13 licenses. We are at 112.
14 And for the light blue column is nonresident
15 tonging, we're up to I believe that's 78 on those.
16 As you notice, we have an upward trend on most
17 of these.
18 MR. GOLLOTT: What was the nonresident tonging
19 last year? We can't see that number.
20 MR. GORDON: Last year I believe it was 98.
21 MR. GOLLOTT: So we're down 13.
22 MR. GORDON: Yes.
23 Alabama did have more of a season this year, so
24 a lot of those folks stayed over there.
25 We had shut down the commercial -- the limited

1 commercial season for dredging in late December, and we
2 extended the limited season for tonging. And back in December,
3 I believe we had about maybe five or six boats going out. Now
4 we're up to about 25 to 30 boats go out per day whenever we
5 have the season open.
6 The kind of fairly decent spot is on the
7 southern end of the reef in deeper water, so whenever they have
8 good weather conditions, they're able to get those -- and I've
9 seen the boats be back in by about ten o'clock with their 12
10 sacks of of oysters. So we're anxious to get this opened back
11 up.
12 And this is our roller coaster oyster landings
13 from 1990 up to date. We're at I believe around 54,000 sacks,
14 and for a limited season I'm pleased with what we've had on
15 this limited season.
16 And over the past few years, the commission has
17 taken some action or another on the commercial license sales.
18 And so we thought it would be good to bring to you this for
19 your consideration. We're not making any recommendations on
20 it. But just for your consideration since commercial licenses
21 do go back on sale beginning April 1 of this year.
22 So if the commission desires to take any action
23 on this, we would be able to advertise and get word out to
24 these people.
25 What I have up here for your consideration is

1 basically the same sort of thing that the commission did last
2 year, and that is during the month of April 2013 restrict the
3 sale of 2013-2014 commercial oyster harvest license sales to
4 renewals of current 2012-2013 oyster licenses only. So if you
5 currently have a license during the month of April, you can
6 come in and renew that with no problem at all.
7 And then beginning May 1, 2013, and if the
8 original 2012-2013 commercial oyster license cap numbers have
9 not been reached, the remaining license will be available up to
10 the original license cap numbers by license type and gear. And
11 that is again Mississippi commercial dredging, Mississippi
12 commercial tonging, nonresident commercial dredging, and
13 nonresident commercial tonging.
14 We would propose to notify current license
15 holders through direct mailings, the oyster hot line, and press
16 releases.
17 And we would also propose to have a provision
18 for hardship cases for persons denied licenses the same as last
19 year. They must show previous two years license and some
20 harvest in the last season open for that license harvest type.
21 Any person, firm, or corporation that was unable
22 to obtain either a dredging or tonging commercial oyster
23 harvester's license for the 2013-2014 oyster license year may
24 file a written request with the executive director of the DMR
25 for an administrative review of the denial or non-issuance of a

1 2013-2014 commercial oyster license. And we do have a form for
2 that that several folks have filled out last year.
3 So this is for your consideration if the
4 commission desires to take action.
5 MR. GOLLOTT: Scott, personally I'm -- and it
6 happened last year -- we turned Mississippi people down for
7 buying licenses and sold them to out of state people.
8 I think if we limit anything it should be out of
9 state people and let the people in the State of Mississippi,
10 the citizens, buy oyster licenses first.
11 I'm not in favor of any kind of cap right now.
12 I don't think it's done us any good.
13 And so I'm opposed to it. Thank you.
14 MR. BOSARGE: You know, Scott, we had some folks
15 present at the public part of the meeting last couple of
16 meetings ago about swapping back and forth from dredging to
17 tonging. Did we give the executive director the authority to
18 do that? What did we do about that; do you remember?
19 MR. GORDON: That was, if my memory serves me
20 correctly, and which it's sometimes not doing that, but it's
21 whenever we have the season that we did not have a dredging
22 season but had a tonging season only, we already went through
23 this process, if the people already had a -- had purchased a
24 commercial dredging license, we offered them the option of
25 surrendering that license and purchasing a commercial tonging

1 license. And so there were several people that took advantage
2 of that.
3 MR. BOSARGE: And if they come back this year
4 and want to change their license, you know, because I believe
5 what you have here says they can only renew their current
6 license, you know, some of the ones that went from dredging to
7 tonging and then back --
8 MR. GORDON: I believe a lot of the folks have
9 both licenses right now.
10 MR. BOSARGE: I don't have a problem with what
11 you have here. It looks to me like from your graph, we're
12 really high now on license sales than we've been all the way
13 back as far as you have, which I think is about 2000.
14 MR. GORDON: Now, as I had pointed out, we are
15 in a limited oyster season trying to rebuild after the Bonnet
16 Carre Spillway disaster and the oil spill.
17 We had 105 Mississippi resident tonging licenses
18 and about 78 nonresident dredging license. And we only have
19 about 25 or 30 people that are taking advantage of that.
20 MR. BOSARGE: And I guess if I look at the
21 numbers of actual license holders, and if you go back or go
22 ahead to the next graph, the production with this number of
23 license versus the production with the number of license
24 holders in he past years, there was a whole lot less people
25 catching a whole lot more oysters from what I see.

1 MR. GORDON: I'm hoping in the near future to be
2 in the higher number.
3 MR. BOSARGE: Yes. I guess my point being that
4 I think we do need to keep the license numbers where we have
5 them.
6 So I would like to make a motion that we accept
7 your recommendations as stated. And I don't think you call
8 them recommendations.
9 MR. GORDON: That was just for the commission's
10 consideration.
11 DR. ASPER: Is there a second?
12 MR. TAYLOR: Yes.
13 DR. ASPER: Second by Commissioner Taylor. Any
14 further comments? Those in favor say aye. Those opposed.
15 MR. GOLLOTT: No.
16 DR. ASPER: Let the record show that
17 Commissioner Gollott voted against the motion, but it passes
18 three to one.
19 MR. GORDON: Thank you.
20 DR. ASPER: We have one more item under
21 fisheries, then we're going to take a break.
22 5. Rig Removal
23 MR. DIAZ: There was a video that's been
24 circulated pretty widely on the internet in the last couple of
25 weeks of an explosion at a rig site where they're

1 decommissioning a rig out in the Gulf of Mexico.
2 And anyway, that got a lot of attention. and
3 Commissioner Taylor asked me to put something together. Me and
4 him worked together Friday and a little bit this morning on
5 getting a resolution together for your consideration.
6 But he did ask me to also put a few slides
7 together to kind of illustrate the point of the video that went
8 out. We weren't able to do the video. The quality of it is
9 not very good, so we weren't able to show it to you here today.
10 But basically the idle iron program in the Gulf
11 of Mexico has kind of accelerated the decommission of offshore
12 oil rigs since 2010. And this picture here just illustrates
13 that, you know, these rigs do provide valuable habitat. It is
14 a food web. A large majority of the Gulf of Mexico is kind of
15 a flat featureless plain, so this provides some structure for
16 structure-oriented organisms to use as habitat. And it is
17 valuable, and it has helped to increase the numbers of many
18 species of fish.
19 This picture, I apologize for the quality, this
20 was actually taken off of the video that's been circulated, and
21 this is actually when the rigs are decommissioned, it's
22 required that the legs to the rigs are cut off 15 feet below
23 the mud line. So the way I understand it, there's two ways to
24 do it. One is to use explosives to get the -- to sever the
25 legs. And the other way is mechanical cutting.

1 So you can see that it's quite an explosion that
2 it takes to break these pipes off below the mud line.
3 This is not a picture from the video. The
4 picture from the video was so bad you really couldn't see
5 anything. So one of the staff members went out and got a
6 picture from another instance where rigs were -- legs were
7 exploded. So this is the same type of incident. But this is
8 an example of what you could see after a rig is removed in this
9 fashion.
10 So it's kind of a -- it's a double whammy to
11 fish populations. You know, if you have the rigs removed by
12 this mechanism using explosives, you have mortalities of the
13 animals and fish that live there. But also a lot of times
14 you'll lose the habitat because the rigs are taken out.
15 So what we did is we put together a resolution
16 for your consideration.
17 MR. TAYLOR: Dale, can I say a few comments
18 before you do the resolution?
19 MR. DIAZ: Yes, sir, please do.
20 MR. TAYLOR: The video he's talking about, I saw
21 in Rod-N-Reel out of -- it's a website out of Louisiana and
22 it's kind of gone viral all over the United States. There's
.3 another -- go to Rod-N-Reel and you can view it. Just look at
24 the reports, and it will show it. But also, if you'll Google
25 and you can get this on Rod-N-Reel, too, Hal Walters' Powers of

1 Life, and in his thing, it shows what the oil rigs hold.
2 Coral.
3 There is a move right now by some environmental
4 groups to file suit against the Obama administration to stop
5 this because there's some endangered corals on some of the
6 rigs. They'll show Ridley's turtles resting.
7 So on a rig like I have, you see how important
8 they are. I think, you know, that we need to back up and look,
9 yeah, there are some damages associated with oil seeping in the
10 Gulf, we all know that here. But we need to look at the other
11 side, the habitat, that they provide.
12 And if you'll go to those two websites, go to
13 Rod-N-Reel, and look at Hal Walters' Powers of Life, he's
14 spoken to Congress and everything, it's pretty interesting.
15 Thank you, Dale.
16 MR. DIAZ: Thank you.
17 MR. BOSARGE: Dale.
18 MR. DIAZ: Yes, sir.
19 MR. BOSARGE: I've actually attended the summit
20 in Houston last three years on decommissioning. And it's --
21 the issue has come up, and I've heard a lot of debate over it.
22 And the biggest -- there are some reefs that do
23 hold a lot of structure, and there are reefs that don't -- I
24 mean, rigs that don't.
25 But the big problem is and everybody wants to

1 keep the reefs that hold the structure, the rigs, the problem
2 is who's going to be held liable and responsible for
3 maintaining, keeping it lit, if it stays up and keeping it up
4 where it doesn't fall down.
5 And then if they reef it in place, then who'e
6 held responsible for seeing to it that it's down to a certain
7 level?
8 In other words, there are a lot of -- that's the
9 controversy that I see now. You know, there's a bunch of folks
10 within the oil companies and their organizations that would
11 love to keep them in place for the structure and for the fish
12 that are on them, but then they don't want to be held liable
13 for what may happen if somebody -- if the lights go out on it
14 and a tanker hits it and all of a sudden we got another major
15 oil spill.
16 MR. DIAZ: Right.
17 MR. BOSARGE: There is the problem, who's going
18 to be responsible for keeping it lit and keeping it maintained.
19 MR. DIAZ: Right.
20 And I guess what the purpose of the resolution
21 is try wherever possible to encourage people to reef them and
22 establish artificial reef zones and whenever it's possible.
23 And I understand in some circumstances it's just
24 not possible.
25 We actually had one that the Bureau of Ocean

1 Energy Management did not allow us to accept because the rig
2 was in bad shape after a hurricane, and they wouldn't allow us
3 to accept it. So there are circumstances when they can't be
4 reefed. But whenever possible, that's what we'd like to
5 encourage.
6 MR. BOSARGE: I agree.
7 MR. DIAZ: Do you mind if I read this into the
8 record?
9 Commission on Marine Resources Resolution Number
10 02193-1.
11 Whereas, the Mississippi Commission on Marine
12 Resources is duly constituted governmental entity created to
13 serve the great State of Mississippi; and,
14 Whereas, said service includes the management
15 and enforcement of any matter pertaining to Mississippi
16 saltwater aquatic life and marine resources; and
17 Whereas, oil and gas structures and the
18 artificial reefs created from them provide habitat for a host
19 of marine organisms; and
20 Whereas, reefing of oil and gas structures is a
21 viable and environmentally beneficial way for operators to
22 fulfill the removal requirements of their permits; and
23 Whereas, when an oil and gas rig is
24 decommissioned, the platform should continue to provide habitat
25 to the Gulf of Mexico when environmentally and economically

1 possible.
2 Whereas, reefing can be cost effective way for
3 operators to decommission unused oil and gas structures giving
4 suitable reef locations nearby; and
5 Whereas, reefing of oil and gas structures
6 preserves established habitat as opposed to removing it from
7 the system.
8 Now therefore be it resolved by the Commission
9 on Marine Resources in a duly constituted and assembled meeting
10 that the commission supports oil and gas platform remaining in
11 the Gulf waters, but when it is necessary to remove platforms,
12 it is conducted in a manner which has the least impact on the
13 marine environment.
14 MR. TAYLOR: Dale, was it 124 that we
15 decommissioned some rigs and put them in 130, 150 foot of water
16 about five years ago or -- I mean, I've got them marked.
17 Friend of mine fished those last week and caught seven walleye
18 on them, like 50 feet under the surface there. So it is very
19 valuable.
20 MR. DIAZ: Kerwin is not here this morning, and
21 I don't know the areas by number. I don't have them committed
22 to memory. But we have reefed substantial amount of material
23 offshore.
24 DR. ASPER: Any further questions? Or is there
25 a motion that we adopt this resolution?

1 MR. TAYLOR: Yes.
2 DR. ASPER: Motion is made by Commissioner
3 Taylor.
4 MR. GOLLOTT: Second.
5 DR. ASPER: Seconded by Commissioner Gollott.
6 Further discussion? Those in favor signify by saying aye.
7 Carries unanimously.
8 MR. DIAZ: Thank you. That concludes marine
9 fisheries.
10 DR. ASPER: Let's take a short break, and we'll
11 come back with coastal ecology.
12 (Off the record.)
13 DR. ASPER: I'd like to call the meeting back to
14 order. Move on now through the agenda to Item H, coastal
15 ecology. Jan.
16 H. Coastal Ecology
17 MR. BOYD: Good morning, Mr. Chairman,
18 commissioners, Mr. Guice, Ms. Chesnut.
19 Coastal ecology has one action item for your
20 consideration this morning. Before we get to that, Willa
21 Brantley is going to give a program update.
22 2. Program Status
23 MS. BRANTLEY: Good morning. As Jan said, I'm
24 Willa Brantley, the bureau director for wetlands permitting.
25 And I just wanted to give y'all a short quick update on the

1 activity that we did in this past calendar year. This is based
2 on a report that we put together every six months for NOAA,
3 that we send to them.
4 I don't want y'all to focus too much on all of
5 these types of activities or the numbers. This is half of a
6 chart, and here's the other half.
7 Really, what I wanted y'all to notice is the
8 total numbers, that we had 679 actions that the staff took in
9 the past calendar year. We issued 477 different types of
10 authorizations. The reason those are so different is that this
11 number includes things like violations and a lot of things that
12 we just look at that don't end up having to have permits.
13 We denied one request for general permit
14 modification. That's the only thing that we denied this year.
15 And that was basically because we could not get the applicant
16 to respond and give us the information we needed to make the
17 decision. Because we don't deny many things doesn't mean that
18 we just rubber stamp everything that comes through. We do
19 pre-application meetings. We do meetings all through the
20 process. And probably at least 50 percent, if not more,
21 applications as they come in, the projects change before we
22 issue the permit. So we try not to deny anything in that way.
23 We try to work through something that can be permitted.
24 Bt we had some staff turnover this year. I'd
25 say we've averaged four or five permitters at once. So that's

1 a lot of activity for those permitters to go through in the
2 year.
3 We had a few significant projects I wanted to go
4 over a little bit. You're probably familiar with most of
5 these. Most of these came through for your approval.
6 We had the DMR beneficial use of dredge material
7 program got a permit to restore 800 acres at Round Island.
8 We also had VT Halter that got a permit to
9 dredge 1.1 million cubic yards of dredge, and that will
10 actually be used at Round Island. And the purpose of that was
11 to install a new floating dry dock so that they could expand
12 their capacity.
13 Cavenham Forest Industries did a brown fill
14 cleanup and restoration, and that involved some matting of
15 waterbottoms and building some bulkheads because the
16 contamination had soaked into the soil and that matting and
17 bulkheads, that will keep it out of the water. And the
18 contamination was from creosote wood treatment activities that
19 they had done in the past.
20 Hall Lilly Harbor got a 12 slip private
21 multi-family pier. And that's a good example of one that came
22 in with a lot of impacts. They wanted to do a 16 slip marina.
23 It was in an enclosed waterway where there was no circulation,
24 and it had a lot of shading impacts to submerged aquatic
25 vegetation. And we worked through with them in the process,

1 going down to 12 slips, and we reduced the impacts over the
2 submerged aquatic vegetation down to just a four foot wide
3 access pier. I think it's four foot wide by ten feet long. So
4 we got them down to about maybe 40 feet of shading from over
5 500 feet of shading was what they originally proposed.
6 Warren Paving did some shoreline stabilization
7 in order to be able to bring more barges in to their facility
8 to load and unload more at a time. They'll be able to bring
9 more than three because of that.
10 We also issued an after-the-fact permit to Kenny
11 Lobell that was -- he had filled out into wetlands directly
12 adjacent to tidal waters. And during the after-the-fact
13 permit, he was required to mitigate with restoration and
14 enhancement of tidal and tidally influenced marsh onsite at the
15 same place where he had carried out the unauthorized fill.
16 We also had a couple of Corps projects. Biloxi
17 Harbor and Pascagoula Harbor navigation projects. Those
18 typically involve hundreds of thousands, if not over a million,
19 cubic yards of material at once. We are lucky that the Mobile
20 District of the Corps of Engineers really supports beneficial
21 use. I've heard that a lot of those districts don't
22 necessarily support beneficial use. But they do really try to
3 take theirs, instead of taking it out into deep water and
24 dumping it, they really try to use it on Deer Island and the
25 other beneficial use sites.

1 Then NOAA, we did a review of the DEEPWATER
2 HORIZON oil spill draft Phase 1 early restoration plan and EA.
3 There's not a lot of detail in that yet, but we did do a review
4 of that for federal consistency.
5 And then just some activities that staff
6 participated in. We had the mitigation interagency review
7 team, and that's a team that's made up of state and federal
8 agencies. Jennifer Wittmann and Greg Christodoulou from our
9 staff are on that team. And let me read this because it's
10 pretty complicated, everything that they do. They review
11 proposed mitigation banking instruments, inspect proposed and
12 existing banks, and participate in credit release surveys for
13 mitigation banks servicing the Corps of Engineers Mobile
14 District, the Vicksburg District within the Coastal Zone, and
15 MDOT's mitigation banks. So that takes up a lot of their time,
16 and those mitigation banking instruments are pretty long. They
17 spend a lot of time going over those.
18 We also got the beneficial use group. James
19 Davis and myself participate in that. We just kind of assist
20 them in getting permits for their beneficial use sites. This
21 is another multi-agency group, federal and state level, and
22 they seek to identify and permit locations along the
23 Mississippi Gulf Coast where dredge material can be
24 beneficially used to restore tidal marsh and barrier island
25 habitat that have been significantly degraded or destroyed over

1 time.
2 We also, like I said, conduct pre-application
3 meetings to help people so that when they turn their
4 application in they've already got a good project that can go
5 through the process quickly. We conducted approximately 60 of
6 those meetings in the year.
7 We attended the 401-10 group conference. That
8 is a conference put on by the Corps of Engineers. The 401-10
9 is named from their federal regulations. Basically that was to
10 bring the regulated community, developers, and other regulatory
11 agencies together just to network and share what each of the
12 different agencies does.
13 I did a presentation there, and I also did a
14 presentation at the Deep Draft PA Training Course, which is
15 another Corps course where they teach -- it's for people who
16 work in the planning department and plan those multi-million
17 cubic yard dredge materials.
18 We had some training and some conferences we
19 went to. The Bays and Bayous Symposium.
20 We continually do wetland delineation and
21 wetland plant identification and hydric soils training.
22 Several people went to wilderness first aid
23 training.
24 And Jennifer helped out with the DMR coastal
25 growth strategies development conference.

And that gets into Jennifer's presentation. So if you have any questions, I'd be happy to answer them. Just wanted to give you just a little general overview of things that we participate in through the year.

DR. ASPER: Any questions? Thank you, Willa.

Yeah, it's really important for us to see now and then just how much everybody in this division does. It's really important work.

3. Bureau of Wetlands Permitting

a. Trinity Yachts, LLC

MS. WITTMANN: Good morning. As Willa said, I'm Jennifer Wittmann. I'll be presenting the only action item for coastal ecology today.

We have a request for permit by Trinity Yachts, LLC, located at 13085 Seaway Road on Gulfport Lake in Harrison County Industrial Seaway in Gulfport. It's in the industrial development use district. And the agent is Culpepper & Associates.

Project location is indicated by the yellow thumb tack. Here we have the Harrison County Industrial Seaway, Gulfport Lake area, I-10, and Cowan-Lorraine Road.

The applicant is proposing to extend an existing previously authorized Synchrolift launching system.

The proposed project consists of the extension of existing launching system and low level groins by 120 feet,

six pile supported winch pedestals, each 17 and a half by 14 and a half feet, the dredging of an area 65 feet by 120 feet from a depth of 18 feet below mean low water to a depth of 25 feet below mean low water that will total approximately 1725 cubic yards of material. There will be a three pile mooring cluster.

And the applicant is seeking authorization from the Corps of Engineers to modify the existing federal channel to remove a specific area from the future maintenance responsibilities.

This is a diagram of the project location. The yellow box shows the dredging area, as well as the extension of the Synchrolift launch facility.

This blue line, blue-green line, is the proposed edge of the federal channel. Right now, the federal channel comes down the Seaway and when it gets to the Gulfport Lake area, it opens up. This dotted line shows the current center line of the federal navigation channel. The red line shows where the current channel limits are, so they're proposing to remove this entire area from federal responsibility for maintenance.

This is a diagram of the Synchrolift launching facility. You can see this is 18 feet below mean low water, the low level groin, and then 25 feet below mean low water with the Synchrolift deck.

And this is a profile showing just the typical dredging.

The project serves a higher public purpose by providing Trinity Yachts the opportunity to employ a larger work force and increase in tax revenue.

The project is allowable within the industrial development use district.

The applicant has received variance from the Mississippi Coastal Program guidelines for regulated activities allowing for the construction of the original Synchrolift launching facility to a depth greater than that of the controlling body of water.

Justification of the variance is based on the fact that the impacts to coastal wetlands would be no worse than if the guidelines were followed.

There are no precedent setting effects as similar projects have been approved, including the original portion of the Synchrolift launching facility.

There will be a temporary increase in turbidity and sedimentation during dredging operations and a loss of benthic organisms. However, the sedimentation and turbidity will not exceed DEQ's guidelines.

The project should not significantly impact fish and wildlife resources along and within the margins of the project area. Most species will be able to avoid the area

during construction and will return after the project is complete.

Best management practices will be used during all phases of construction, and the dredge material will be confined to onsite uplands.

Alternative sites were not considered because this is an expansion of the existing Synchrolift launching facility at an existing shipbuilding facility.

Trinity Yachts currently constructs yachts that range in size from 60 feet to 300 feet in length, and this extension will allow the Synchrolift launching facility to construct vessels up to 350 feet in length.

The project is located in an industrial area and is consistent with the surrounding development.

The project appeared in the Sun Herald as required for three weeks. No public comments were received. DEQ is currently reviewing the project. Archives & History has no reservations. Secretary of State's Office has stated that the project will not require a tidelands lease because it is within an excavated portion of the Gulfport Lake Harrison County Industrial Seaway area. And the Department of Wildlife, Fisheries & Parks has stated that if best management practices are implemented, the project will likely pose no threats to species of special concern.

Based on departmental review and evaluation, it

has been determined that the project is consistent with the Mississippi Coastal Program and serves a higher public purpose by allowing Trinity Yachts the opportunity to employ a larger work force and increase in tax revenue. Therefore, staff recommends approval of the project contingent on water quality certification from the Department of Environmental Quality and finalization of a federal channel modification with the Corps of Engineers.

I have received word from the Corps of Engineers at this time they do not have a problem with the modification of that federal channel. It's just something that's going to take some time to get completed.

Billy Culpepper is here from Culpepper & Associates. If you have some more specific questions about that, he can probably answer those better than I can.

MR. BOSARGE: I just have one question and just curious. Why do they have to remove it from the federal -- in other words, why are they --

MS. WITTMANN: Well, they can't construct a permanent structure within the federal navigation channel because the federal -- based on the federal agreement, the federal government has to come in and dredge that area.

If they remove that area from the Corps' maintenance agreement, then the Corps is not -- it won't impact the structure they develop.

MR. BOSARGE: I understand that. I couldn't imagine why if somebody wanted to dredge it for you, why you would want to take over the responsibility of keeping it dredged. But I understand.

MS. WITTMANN: Several of the marinas that we've permitted that have been close to the federal channel, we've had to do floating piers, and those marinas know that if the Corps comes through to dredge, they would have to remove the pilings and remove those floating piers.

And this will give Trinity Yachts the capability to not have to do that. If the channel does have to be maintained by the federal government, they will take on that portion.

MR. BOSARGE: Thank you.

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

MR. BOSARGE: I'll make a motion we accept staff's recommendations.

DR. ASPER: Is there a second?

MR. DRUMMOND: So second the motion, Mr. Chairman.

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

MS. WITTMANN: Thank you.

DR. ASPER: I believe that concludes the coastal

ecology section. We'll move on to our financial report. Kara.

J. Administrative Services

2. Financial Report

MS. VESA: Good morning. My name is Kara Vesa. I'll be giving the financial report for January 31, 2013. On that date, we had a state budget of $6,152,176. On that date, we had spent $4,389,059, leaving a remaining state budget of $1,763,117.

At the last commission meeting, the commission expressed a desire to see additional funds. And included in your packet today is a brief summary of all state -- excuse me -- non-state federal sources and other sources.

Are there any questions?

MR. BOSARGE: Yes. This shortfall which we have in our budget, can you explain to us where this is at? In other words, the funds we have remaining now, I guess, on track, when would we see our shortfall?

MS. VESA: Historically, we see that shortfall pop up in late spring around April, perhaps May. And in the past years, you know, I have had the presentation where I've said zero funds remaining. So usually it shows up that time of year.

MR. BOSARGE: So we'll be our million short in springtime?

MS. VESA: Late spring, yes.

MR. BOSARGE: And I think our year runs from --

MS. VESA: July to June. June 30 is the end of our fiscal year.

MR. BOSARGE: Thank you.

DR. ASPER: Any other questions for Kara?

For those of you who didn't get a copy of this, what she's referring to on the federal side, she gave us a table listing some 60 federal grants and contracts that the department is responsible for.

And it's important to notice that the total amount of federal funding that comes into the agency is significant. In this case, it was in excess of $50 million.

And the point to be made here is that the operating funds that the DMR gets from the state is relatively small amount of money. This is tidelands, this is mostly pass-through money. But the actual budget of the state which is the -- here, that's our annual budget.

So, the way we look at it is this amount of money comes to this agency to keep the doors open to do the bread and butter basic services that this department does. And, in turn, the various divisions and the staff go out and they acquire all of this extra money. Sometimes they use this matching funds. Sometimes they just go out and get these contracts. So they're doing an absolutely outstanding job getting these extra-mural grants and contracts. It's the first

1 time I've ever seen this whole list like this, so it's really
2 impressive.
3 And it's also kind of overwhelming because if
4 you look at this list and you consider a guy like Danny coming
5 in cold on this and trying to figure out all of these accounts
6 and where they stand, because in each one of them, we have an
7 account where the award amount originally was. And then the
8 next column is the balance left as of right now.
9 And obviously, I remember the same question is
10 where did all that money go. Was it properly spent? It's a
11 very complicated process. And getting a handle on all of this
12 stuff and ensuring that it's all done properly, I would have to
13 say is well beyond the expertise of anybody sitting here at
14 this table, with the possible exception of Danny.
15 So my hat's off to him for his attempt, and I
16 thank you, Kara, and Tom, for putting this all together. It's
17 really great.
18 Any other questions or comments on that? Okay.
19 Thank you, Kara.
20 The next item on the agenda is under the
21 directorate, L-1(a), commission's handbooks, proposed
22 amendments.
23 I guess that's going to be Joseph.
24 For those of you who are waiting to discuss the
25 ad, it's the very next item after this one.

1 L. Directorate
2 1. Staff Follow-Up Items
3 a. Commission's Handbooks - Proposed Amendments
4 MR. RUNNELS: At the last commission meeting,
5 Commissioner Taylor made a motion that we come back with some
6 proposals to make amendments to the commission handbook to try
7 to tighten up the relationship between the commission and the
8 executive director and the department.
9 And these are some proposals that we put
10 together in response to that motion.
11 And I'm briefly going to go through these. And
12 this is just a draft. This is not an action item today.
13 Obviously, there's going to need to be some further discussion
14 and tweaking of this.
15 Obviously, we're going to start out with kind of
16 a conflict of interest statement. There's actually one of
17 these already in the state handbook. But we thought we would
18 go ahead and put it in the commission handbook, as well.
19 The real important thing or the main change I
20 think that would affect the commission the most would be the
21 creation of some proposed subcommittees. And what we started
22 out here is a proposal to create three committees. They would
23 be the financial oversight committee, contract review
24 committee, and the program review committee.
25 And we'll just briefly go over what the

1 operation of these committees would be.
2 The first one, the financial oversight
3 committee, just says, it provides the purpose of the committee
4 is to closely monitor the financial status of the MDMR to
5 ensure that the agency is financially sound and that
6 expenditures on programs and facilities are justified and that
7 the expenditures further the public policy of the state as it
8 relates to the management of the marine resources and coastal
9 wetlands.
10 Down further in here, we have -- it's over here
11 on your right -- where it says additional assignments, there's
12 some language in there that will appear in the directives for
13 all of the committees. For instance, under the financial
14 committee, it says the executive director, department
15 directors, and bureau directors are charged with reporting to
16 the committee any suspected incident or fraud or
17 misappropriation of funds from any source under the control of
18 the MDMR. Similar language appears under each one of the
19 proposed committees.
20 Under the contract review committee, the purpose
21 as stated is to monitor and review contracts entered into by
22 the MDMR. The committee will primarily review contracts with a
23 value in excess of $10,000. That's not a magical number. That
24 can be changed. To determine the necessity of the contract and
25 to ensure that the contract was not inappropriately awarded to

1 a family member or business associate of an MDMR employee or
2 awarded as a result of undue influence from an elected or
3 appointed public official.
4 Next we have program review committee. And the
5 purpose of this committee is to review MDMR land acquisition
6 and land management programs to ensure that the programs have
7 established some justifiable criteria for identifying
8 properties for inclusion in the program and provisions for long
9 term management of the properties that are acquired.
10 So those are the three proposed committees.
11 And finally, there's one other provision in
12 here, and that's the management directives to the executive
13 director. We're kind of stepping out here on a limb on this
14 one. But the goal of this section would be to provide some
15 specific directions from the commission to the executive
16 director. And it says in the last sentence there to guide the
17 executive director in the expectations of the commission, the
18 commission adopts the following directives. And then there are
19 a series of directives.
20 The first one is the executive director shall
21 not employ or contract with members of the executive director's
22 family or family members of the MDMR staff.
23 The executive director shall not employ
24 personnel or contract with individuals at the direction of
25 elected public officials without first notifying the full

1 commission in a regular scheduled monthly meeting.
2 In performance of their duties, the director and
3 the staff of the MDMR shall not participate in any parts and
4 political activities. There's already a state statute on that.
5 The executive director shall not approve or
6 allow the purchasing of apparel by MDMR for distribution to the
7 general public or to elected or appointed public officials.
8 That one probably -- this one probably needs to be changed
9 because partly because the cleanup program every year is
10 usually to provide the public with a T-shirt as an incentive to
11 participate. And that's pretty standard practice on a lot of
12 programs. So this one probably would need to be tweaked and
13 maybe say without the prior approval of the commission.
14 In the absence of a declared public emergency,
15 the executive director and the MDMR staff shall not lease or
16 charter vessels without justification and without the prior
17 approval of the commission.
18 The executive director shall not enter into any
19 interstate agreements that directly or indirectly affect
20 Mississippi's marine resources or the use of the marine
21 resources by citizens of Mississippi without the prior approval
22 of the commission.
23 As I said, this is just a draft. We're looking
24 for some feedback and comments. Most of the staff has not even
25 reviewed and commented on this one. But this is our first stab

1 at it. And this is not something that you have to run out to
2 immediately to put into place by amending the handbook. Some
3 of these things, for instance, the committees, you probably
4 could form those and start those, see how you like them, how
5 they're working out, and then formalize them and put them into
6 the handbook. So you have many options on the table.
7 MR. TAYLOR: Hey, Joe. On the following
8 directive, it says executive director shall not employ or
9 contract with members of the executive director's family or
10 family members of the MDMR staff.
11 Does state statute say you have to go before the
12 PEER committee if you do that or something?
13 MR. RUNNELS: I have to confess I'm not aware
14 that that's a requirement.
15 MR. TAYLOR: Well, there might be some time that
16 that person might be the best person to do it. And I think as
17 long as you're transparent and it comes open in a public
18 meeting, I don't personally see a problem with it. But it's
19 when you don't do that is where the problem comes in. And
20 that's just a thought.
21 MR. RUNNELS: That's one we can look to tweak.
22 MR. GOLLOTT: Joe, let me ask you a question.
3 This is just thinking out loud here. Would we have the
24 authority to subcontract an accounting firm or something to
25 check the books? Because I don't think any of us are

1 accountants.
2 MR. RUNNELS: I think that -- I don't know that
3 the commission directly would have the authority to do that.
4 You could certainly require it. I mean, if you went out -- I
5 mean, I don't think there's funds that are strictly available
6 to the commission to use. But I think that you could give the
7 department that directive if funds are available.
8 DR. ASPER: An interesting question, though, is:
9 Is this department audited on a routine basis?
10 MR. RUNNELS: I'd have to defer to Tom on that.
11 I'm not aware that it is. Obviously there's an audit that goes
12 on, a property audit every year. But as far as an audit of the
13 accounts, I don't have the answer to that.
14 MR. DOSTER: Tom Doster, director of the
15 administrative services.
16 Yeah, we're -- the state auditor's office
17 periodically will audit a state agency. They do not do it very
18 often.
19 Our federal grants are audited individually on a
20 periodic basis, depending on the grant.
21 We have a property audit of all of our inventory
22 items annually.
23 It just depends a little bit on the situation,
24 but a lot of our purchases are -- I don't know if pre-audited
25 is the correct word or not. But for instance, any bid items go

1 through DFA before the purchase order is approved in the first
2 place. And so over time, the state auditor's office has backed
3 off a little bit on actually coming in to audit an agency on
4 the financial end because there are so many checks and balances
5 on the front end from their perspective.
6 Hopefully that answers your question.
7 MR. DRUMMOND: Tom, what about Dr. Walker's
8 foundation? Was it audited?
9 MR. DOSTER: No, sir. That was a completely
10 separate entity. That did not -- we didn't have no control of
11 that foundation in the business office at all. That was
12 completely separate non-profit organization.
13 MR. DRUMMOND: Thank you.
14 MR. GOLLOTT: Joe, would these rules that we're
15 coming up with, would that stop another foundation from being
16 formed in the future or would have to come before the
17 commission to get an approval of it?
18 MR. RUNNELS: It absolutely would not stop the
19 formation of a foundation because that is actually not an
20 entity that's controlled by the department or by the
21 commission. It's basically a private foundation that was
22 founded with the supposed goal of supporting activities of the
23 commission and the department.
24 There are many state entities that are agencies
25 that have supporting foundations. Wildlife, Fisheries & Parks

1 I believe has one. The agriculture department has one that
2 supports the activities of the Ag Museum.
3 And, I mean, I don't know who all has them or
4 doesn't, but I'm sure there are probably more than that.
5 DR. ASPER: So you're confirming what we have
6 been saying basically all along in that the commission has no
7 control over that private foundation because it is indeed
8 private, except that we can control any funds that might be
9 flowing back and forth between.
10 MR. RUNNELS: Absolutely. You can control the
11 contracting authority between this agency and that foundation.
12 MR. TAYLOR: Joe, one of the things that with
13 the new committees, you know, I'm not an accountant, nobody
14 here is, is the liability exposure that we could create for
15 ourselves. We're all volunteers, you know, in here. I'm not
16 here to be a director. I'm here because I love the fisheries,
17 you know, the side of it. And I'm just concerned, you know,
18 would we create some liability if we do this to.
19 MR. RUNNELS: I don't think it will increase the
20 liability that you may already have.
21 MR. TAYLOR: Okay.
22 MR. GOLLOTT: That was a typical lawyer answer;
23 wasn't it?
24 Joe, I guess the question is, how do we stay out
25 of this mess that we're in now? How do we keep it from

1 repeating itself?
2 MR. RUNNELS: That's what we're trying to come
3 up with some ways for the commission to be a little more
4 informed of the operations, at least monthly, of the
5 department. And some directives to not only the executive
6 director, but the bureau directors, as well, that there's some
7 committees that they can come to report to if there's something
8 that they see that is amiss.
9 I exchanged some e-mails last week with an
10 attorney in Ocean Springs that I've known for many years, Bob
11 Smith, and he reminded me of something that Ronald Reagan
12 famously said: Trust, but verify. And I think that's
13 appropriate. I think that's what we're trying to do
14 DR. ASPER: Well, let me suggest that how we
15 handle this is exactly as you suggested, that we don't change
16 the handbook at this point, we don't establish these committees
17 as anything permanent, but that we give them a try.
18 And what I would suggest, I'd like to hear the
19 commission's comments on this, is that we establish all three
20 committees and that we assign them the task of having one
21 meeting, let's say prior to our April meeting, so that they
22 would meet with the cognizant people in the department and
23 basically get some information, learn what needs to be learned,
24 and then report back to the full commission at the April
25 meeting.

1 One of the things that Joseph did not point out
2 in there is that none of these committees may represent a
3 quorum. So at the most we can have on any one of these
4 committees is two people.
5 So I would further like to suggest that the
6 following committee composition. It says right there that the
7 chairman shall appoint.
8 Financial oversight, I'm going to suggest
9 Commissioner Taylor and Commissioner Drummond.
10 On contract review, Commissioner Gollott and
11 Commissioner Bosarge.
12 And on program review, Commissioner Asper and
13 Commissioner Taylor.
14 That's my suggestions.
15 And just again, to get this going, because as
16 Joseph points out, we as a commission need to be a little more
17 proactive. And by doing it on a trial basis, I think we can
18 get the process going, we can get a little bit closer to the
19 day to day operation of the agency.
20 So are there any comments? Or is there a motion
21 to this effect or not?
22 MR. BOSARGE: Well, one comment. I would like
23 to take a little time to look this over just a little further
24 before we actually make it a part of the handbook. But I have
25 no further comments.

1 If you need me to, I will make the motion.
2 MR. DRUMMOND: Do you want a motion, Mr.
3 Chairman?
4 DR. ASPER: Commissioner Bosarge just made the
5 motion. Would you like to second it?
6 MR. DRUMMOND: I'll second the motion.
7 DR. ASPER: Any further discussion? Those in
8 favor signify by saying aye.
9 So again, this motion includes a temporary
10 establishment of these commissions on a trial basis with the
11 composition that I read out to report back to this commission
12 before the April meeting or at the April meeting.
13 And again, the wording in this document will
14 probably change if and when we establish these commissions
15 permanently.
16 Okay.
17 MR. RUNNELS: Thank you.
18 DR. ASPER: The next item on the agenda is
19 legal, and I think Joseph has a pending legislation (sic) on
20 there.
21 MS. CHESNUT: Pending litigation.
22 DR. ASPER: Litigation, sorry.
23 4. Legal
24 a. Pending Litigation
25 MS. CHESNUT: I'll just give a quick update on

1 that just to let you know where we're at on the Sun Herald
2 lawsuit.
3 I reported last month that we had received a
4 subpoena which prohibited us from releasing documents to the
5 Sun Herald that they had requested.
6 After that, they filed suit.
7 And following that, discussion ensued between
8 our office and the state auditor's office. The state auditor's
9 office agreed to not oppose a protective order and the
10 department requested a protective order from the Circuit Court
11 releasing us from the mandates of the subpoena so that we could
12 comply with the Sun Herald's records request. That was done on
13 January 22.
14 We met with the Sun Herald and the state
15 auditor's office officials on the 23rd, and it was agreed that
16 at that time that we would release the documents that we had in
17 our possession. And those were electronic documents. There's
18 40 boxes I believe of records that the state auditor's office
19 has in their possession. Electronically, we could provide all
20 but about three or four of those boxes.
21 Through the diligence and hard work of Allen
22 McArthur, our IT director, he was able to -- he uploaded a
23 special software. He was able to retrieve the documents,
24 reformat them and download them in a readable format within a
25 day and a half.

1 So we had anticipated that it would have taken
2 over a week. We had told them we'd have them electronically by
3 February 1. But through his diligence and hard work and
4 basically working on this and nothing else for a day and a
5 half, we notified them at 3:30 on the 24th that they were
6 ready.
7 We had hoped to be able to get access to the
8 hard copies and have those provided, as well, by the time of
9 this meeting. I had hoped to be able to report that. However,
10 we've been notified by the state auditor's office that they are
11 working on those files and we will not be getting access to
12 them until they are finished.
13 So that's the status. That's where we're at.
14 We may not access the records until they're finished working on
15 them. We don't know when that will be. But as soon as it is,
16 then we'll be able to go in there and get the documents
17 together and provide those to the Sun Herald.
18 So that's where we're at. We're still at the
19 mercy of the state auditor's office in this regard.
20 DR. ASPER: Okay. Any further questions on that
21 issue?
22 Okay. Do you want me to take the lead on this?
.3 MR. RUNNELS: Sure.
24 b. Approval of language of advertisement for
25 Executive Director's position

1 DR. ASPER: The next item on the agenda, Joseph
2 is responsible for it, but let me just give you some
3 background, and that is the advertisement for the executive
4 director's position.
5 And what I have here are copies of this ad that
6 we're going to pass out to everybody here with the
7 understanding that this is a draft. It should have the word
8 draft written across here.
9 So we're going to discuss it with everybody
10 here.
11 And I want to give you a little bit of the
12 history of this document. It started basically on my word
13 processor. I took the advertisement that we use to look for --
14 engage in the search for the USM president, and I changed the
15 words to say DMR director and things like that. And then I
16 took sections of the Mississippi Code, and I embedded them into
17 the advertisement. And then I sent this out on e-mail to a
18 couple of my friends and associates who provided some excellent
19 comments. They provided back some input really, really
20 quickly. And then I submitted it to the rest of the
21 commission.
22 From there, they provided comments, their own
23 comments on it. They went back to Joseph. Joseph came up with
24 this document.
25 So this document represents the input already of

1 quite a few people. And I think it's in pretty good shape.
2 But we're going to discuss it here today and hopefully approve
3 some version of it today.
4 One feature that it does have that you're going
5 to be interested in is that it does set a specific time for us
6 to receive applications. It says CMR will receive applications
7 through 5:00 p.m. on, and the date is blank. So that's one of
8 the things that we're going to discuss here.
9 One of the things that we'll probably also
10 change is the address to which these things will be mailed.
11 And I think that may be some small change.
12 So if I could get somebody to pass these out.
13 MR. GOLLOTT: Mr. Chairman, reading over this
14 thing, I think we need to make two adjustments here. I think
15 we should have this addressed to Joe Runnels or Sandy Chesnut
16 personally, and that way there's no accidentally opening
17 something that says legal on it.
18 DR. ASPER: Okay. Let's just narrow it down and
19 say Joseph Runnels. He's our senior counsel.
20 MR. GOLLOTT: Okay.
21 DR. ASPER: Is he our senior counsel?
22 MR. RUNNELS: I'm older than her.
23 DR. ASPER: That's what I was implying.
24 Okay. And what else?
25 MR. GOLLOTT: And I would like to put in March

11, 2013, as the cut-off date. That will give us about three weeks to advertise this. I think we can -- I think, it's my opinion, that the commission can meet the week of the 12th and go through these people, vet them, and pick out our five candidates, and then have them in that same week and get this thing to the governor, and that would give them, the governor and the Senate, I think another 21 days to go ahead, or so, to to go ahead and confirm or deny the applicants.

DR. ASPER: So you're suggesting that we have a meeting roughly the 12th.

MR. GOLLOTT: That's correct. How are we going to do that? We're going to have get together and pick five candidates. And then at another time bring in the five candidates and interview them. We can't do that in the same day, so that means we'll have to have two meetings set up.

DR. ASPER: Right. And the ad specifically says that we will be holding some called meetings which will be in executive session because of the confidentiality. That's basically included in the ad.

MR. GOLLOTT: Okay.

DR. ASPER: I'm actually going to be out of town on the 12th. Could we tentatively schedule our meeting for the 13th?

MR. GOLLOTT: Be all right with me.

DR. ASPER: So you're making a motion --

MR. GOLLOTT: I'm making a motion.

DR. APER: -- that we change the address to say Joseph Runnels and we establish the due date as -- can we just make it the 12th?

MR. GOLLOTT: Sure.

DR. ASPER: And with a meeting which is not listed in here, but a meeting on the 13th.

Is there a second to that motion?

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

DR. ASPER: Further discussion? We've heard a lot of input on this. And one of the questions is: Is three weeks enough time?

One of the things that Willa mentioned was that our -- we advertise these -- our notices -- that answers Terese's question -- we advertise for three weeks when we're looking for input on a permit. So while it's not as long as I would really like to see, given that it is on the street reasonably well already, I think it's probably livable.

MR. BOSARGE: And do you feel that will give us enough time to do our interviews?

MR. GOLLOTT: A week, yes.

DR. ASPER: We're going to have to make time, yeah. I mean, if we let the potential applicants know that we're going to be scheduling interviews immediately after the

closing date -- maybe we want to put some wording to that effect in the ad that the interviews will be conducted immediately following that meeting on the 12th or the 13th so that anybody who applies is aware of that restriction, and we can get these approved as quickly as we can.

MR. BOSARGE: I agree.

MR. GOLLOTT: Do you want a modified motion?

DR. ASPER: Yeah, will you modify the motion?

MR. GOLLOTT: Yeah. I'll modify the motion to include asking them to be ready to get interviewed that week of the 13th on any day at any time.

DR. ASPER: Okay. So we have three items in this motion: changing the address, the date of the 12th, and interviews to proceed immediately following that. And the motion was made by Commissioner Gollott and I believe seconded by Commissioner Bosarge -- no, Commissioner Taylor. Okay. Commissioner Drummond. Okay.

MR. GOLLOTT: I think Mr. Eicke wants to tell you something.

DR. ASPER: Mr. Eicke.

We don't normally accept public input, but this is an unusual circumstance.

MR. EICKE: My name is F.J. Eicke. I'm representing myself, but have an affiliation y'all know about.

The question would be: Where are you going to

advertise this position?

I mean, we've been involved with some things through our channels, and for example, if you did it in the print media, three weeks is not enough. It's gone. It's not even going to occur.

DR. ASPER: But most people who are seeking jobs look online nowadays.

MR. EICKE: Then the question is: What are those online facilities or online programs that would get this out? I mean, I hear something about monster.com, you know, that doesn't sound like monster.com right now. But at any rate...

MR. RUNNELS: Actually, the staff has reserved some ad space for I believe four newspapers, including the Sun Herald, the Clarion Ledger, Times-Picayune, Mobile Press Register. And then we have a list of I think it's 25 or better organizations throughout the country that we intend to this notice to electronically, and that would include the American Fisheries Society, I think Woodsall (ph.) Institute, University of Texas, all the universities in Mississippi. So there's a list, and it's fairly extensive that we've already looked at.

And this is basically the same list that was used -- in my understanding that was used when we searched for Mr. Woods' replacement. So it won't just be in the paper.

And by the way, we've reserved space, and it's

1 supposed to be in the Sunday paper beginning this Sunday and
2 then will run two more times after that.
3 MR. GOLLOTT: Joe, when you receive these
4 applications and you open it up and get these people's names,
5 could we ask you to call them and tell them, verify that we
6 have received the application? We don't want them to come back
7 and say, well, I mailed it, you didn't receive it or something
8 like that.
9 MR. RUNNELS: Sure, I can do that. That's not a
10 problem.
11 I've had it pointed out to me that we did have
12 at least one error in this ad. We refer to the Department of
13 Marine Resources having departments, and I think, Joe, you said
14 that should be offices. So we'll make that grammatical change
15 there.
16 And is there anything else?
17 MR. TAYLOR: Joe, before you go. Is there some
18 way if we're going to have to review these applications that
19 we're not -- we don't get 25 at one time, if you get four or
20 five you can let us know, maybe we could come in and look at
21 them on an individual basis.
22 MR. RUNNELS: We could do that. Or we probably
23 could scan them and send them to you electronically.
24 DR. ASPER: With the understanding that we all
25 keep these really confidential.

1 MR. RUNNELS: I can't control that.
2 Nonnie, if you would, do you have a comment?
3 Please come to the microphone and state your name again.
4 MS. DEBARDELEBEN: Nonnie deBardeleben.
5 I would like to suggest that if you're going to
6 try and meet this deadline that you include the Morning
7 Advocate, the Baton Rouge newspaper. The Times-Picayune only
8 comes out three times a week, and it's very limited. I mean,
9 you can't always get it. I try and look at it online
10 sometimes, and it's not a friendly -- user friendly online type
11 thing.
12 And my experience in Louisiana, people that
13 might be interested in this position, those people are all
14 headquartered in Baton Rouge. So I would suggest the Morning
15 Advocate.
16 DR. ASPER: Excellent. Thank you.
17 Terese.
18 MS. COLLINS: Terese Collins. And thanks for
19 letting us do this.
20 What is the definition of immediately following,
21 you'll interview them immediately following? Is that the next
22 day, a week later? You know, how do you put -- if you just
23 have 20 minutes per applicant, it's not an adequate review
24 process.
25 So, well, March 12, you know, I think you're

1 giving the legislature 21 days, but can you give yourself
2 enough time to interview these people and check references?
3 And if it's going to be one day or two days,
4 that doesn't seem adequate. It seems it should be longer than
5 that.
6 DR. ASPER: The time frame we're considering
7 here is more like a week. That's the --
8 MR. GOLLOTT: And there's five of us. We can
9 split them up.
10 MS. COLLINS: But how do you get together as a
11 group and discuss the applications? Because you have to --
12 DR. ASPER: We'll have a meeting on the 13th to
13 discuss the applications, and then we'll have the interviews,
14 and that next week, we'll probably have another meeting the
15 following week. And these are all, because it's confidential,
16 will have to be executive session meetings.
17 MS. COLLINS: I know. I understand that part.
18 MR. TAYLOR: My comment I said was we'll have to
19 make time. That's just what it is. We're going to have to
20 make time like we did when we had the Friday meeting before New
21 Year's Eve at 3:00 in the afternoon to 6:15. We're going to
22 have to make time. That's just all you can say.
23 MS. COLLINS: Well, then, do you need to give
24 yourselves two weeks so that you have adequate time to get all
25 these people in here and interview them and check references?

1 Or who's going to do checking references?
2 MR. GOLLOTT: I for one think on the 13th we'll
3 see how many applicants we have, and then we can make a
4 decision then how long it's going to take us.
5 DR. ASPER: If we leave it open-ended, we're
6 expecting it to take a week, but if we have to take a little
7 bit longer than that --
8 MR. GOLLOTT: Whatever it takes.
9 DR. ASPER: Whatever it takes, yeah.
10 MS. COLLINS: As long as it's not --
11 MR. GOLLOTT: This person will be vetted three
12 times. We are going to do it. The governor is going to do it.
13 And the Senate has to do it. So if there's any bad things,
14 they should come out.
15 MS. COLLINS: Thank you.
16 DR. ASPER: Ed.
17 DR. CAKE: Ed Cake, Ocean Springs.
18 Listening to Mr. Runnels' presentation, he said
19 four newspapers, now there's five, and 25 organizations
20 including the American Fisheries Society and Woodsall (ph.).
21 Are there going to be any online headhunter groups that are
22 going to be employed so that other persons in professional
23 positions can be looking for these same folks?
24 DR. ASPER: There hasn't been any discussion of
25 that. Do we think we need a professional headhunter?

We had one as I recall last time when we hired the previous director. I'm not sure -- my recollection is that that wasn't all that useful.

DR. CAKE: Okay.

DR. ASPER: But --

DR. CAKE: But at this point, there's nothing that will be online. It's only going to be in the public media and by word of mouth to these other organizations. Correct?

DR. ASPER: It will be sent to various online outlets, so people will be able to access electronically all over the world. But in terms of paying a firm to go out and contact people individually, which is what a headhunter does, and look at, let's say, linked in profiles and try to match them up and things like that, nobody has suggested that that's the direction we're going to go.

DR. CAKE: Okay.

DR. ASPER: Terese. Final comment, then we're going to vote.

MS. COLLINS: Terese Collins. There is the Mississippi Contract Procurement Center which has a broad advertising ability for anyone looking for contracts or work with state and federal agencies, and that may be a source also that you could use. It's free. You just throw it up online, and they can contact you any way they want. Plus you have your own website, and every state website we have available

throughout the country that should be able to post this for you.

DR. ASPER: Okay. So the motion on the floor, just to reiterate here, is that the ad that is distributed which will go into the record, we are making three changes. One is to change the address so that the applications will go to Joseph Runnels. The other is to add March 12 as the final date. And then to add wording that the interviews will take place immediately after that without stating the specific time frame, but with the understanding that it's going to be as quickly as possible.

This motion was made by Commissioner Gollott and seconded by Commissioner Drummond.

Is there any last discussion?

MR. BOSARGE: The only other change would be, you talk about directors instead of --

DR. ASPER: Right. Yes, thank you. Okay. So there are those four changes.

Further discussion? Those in favor of approving this advertisement signify by saying aye. Those opposed. Carries unanimously.

MR. GOLLOTT: Mr. Chairman, do we need to set this 13th date meeting?

DR. ASPER: Yes. The 13th is a Wednesday. That's what I have. Is that right? Okay. March 13 is

Wednesday.

MR. GOLLOTT: Let's go ahead and set the meeting.

MR. DRUMMOND: Yes, sir, Mr. Chairman.

DR. ASPER: So I've got a motion that that's when our next special called meeting will be.

MR. GOLLOTT: We need to come at what time? Nine o'clock be okay?

DR. ASPER: Nine o'clock, right here.

MR. GOLLOTT: 9:00 a.m. That's a motion.

DR. ASPER: And is there a second?

MR. BOSARGE: I'll second.

DR. ASPER: Those in favor say aye. That carries unanimously, as well.

I believe that brings us to the end of the agenda. Is there any other -- oh, seafood marketing. I didn't even see that on there. Thank you. Irvin, welcome.

5. Policies, Planning, Special Projects

MR. JACKSON: Good morning, commission, Mr. Guice, Ms. Chesnut, ladies and gentlemen in the audience.

For those of you who may not know me, I am Irvin Jackson, director of Mississippi seafood marketing program.

Today I know we got this on your agenda kind of late, and I apologize, but we have the Food Group coming down to be with us at another meeting later this afternoon, and I

thought it would be a good opportunity to get them to come to the meeting and give you a briefing on our seafood marketing efforts and what we have been doing.

First, I just want to mention a little background and talk about what started this out, which I'm sure many of you remember. You know, we had the oil spill, after which finally MOU with BP, DMR, MDEQ, and the governor's office was signed in December 2011.

It's a two-pronged MOU. It includes what our fisheries office does with seafood testing, and it also addresses seafood marketing for the purpose of taking these test results and so forth and going and promoting our seafood as safe and healthy with having the expected result that it will gain back some of our market share for our seafood as a result of it dropping way down after the oil spill.

The MOU is for $3.5 million for seafood marketing, much less than, of course, what Louisiana -- they got $30 million, I think, Florida $25 million, Alabama somewhere between nine and twelve million; I can't remember the exact numbers.

But anyway, so that was in place. So in order to elevate and, you know, improve our marketing efforts, we put out a request for proposals for an ad agency. We received about, I don't know, maybe 20 of those. This was quite a lengthy process. Those were reviewed. We selected I think it

1 was five finalists, had them come here and do presentations.
2 And it ended up being put, we received in our reviews, that the
3 Food Group was chosen. And I think they've done a fine job.
4 They came on board 1 June 2012, so we are only seven months
5 into the contract.
6 The MOU, the money for that has to be spent by
7 December 2014. So that's kind of what we're looking at.
8 Now, as I said, we have the Food Group here.
9 Mr. Mark Cotter is CEO of the Food Group. I'm going to turn
10 this over to him and let him give you a brief presentation on
11 what we have been doing, some of the ideas and thoughts of
12 where we are going to go, and our plans.
13 I do want everyone in the seafood business and
14 so forth to feel free to get with us. We'd love to have their
15 ideas, their comments, their suggestions. We try hard to do
16 the best we can with what we have.
17 And, of course, everything that they do comes
18 through me, comes through us, for review and approval. And we
19 work closely with them and are in communication daily with
20 them.
21 So without further delay, thank you for your
22 attention. Mark Cotter.
23 MR. COTTER: Thanks, Irvin. Always like to be
24 the guy that goes between you and lunch. But I guess as a
25 person who heads up the Food Group, it's kind of appropriate.

1 But as Irvin said, we've been working against a
2 mission, a mission that's part of MDMR as part of the marketing
3 efforts. And we created a plan that was essentially
4 four-pronged approach to the MOU for a period of three years.
5 One prong was to increase demand, second would be increase
6 visibility of seafood in Mississippi, third would be establish
7 relationships with those we call leaders in the industry, those
8 that can push our message forward, and then four could be
9 leveraged partnerships, find out ways to make our money and our
10 dollars go further in creating partnerships for similar goals.
11 And throughout all of that, creating more industry
12 opportunities.
13 We've put together a three year plan that we
14 presented to the group that focuses in three different
15 strategic platforms. One of them is to create a buzz and to
16 create some excitement while deferring all the negativity
17 around the oil spill and put that into the back burner.
18 Second would be to kind of move the needle and
19 do programs that will actually increase value, increase volume,
20 and hopefully dockside value.
21 And then third would be to sustain that so to
22 create an environment within the MDMR that they can continue
3 this process moving forward any efforts beyond the MOU funds.
24 Within creating a buzz, we wanted to be able to
25 learn from the industry and understand what's going on within

1 your world, your environment, establish a presence for what
2 would be Mississippi seafood within the web community, begin
3 establishing seafood as a local brand, and increase demand and
4 activity within the state to get more of a movement forward,
5 passing that torch forward.
6 The second year, we move into supporting the
7 processors with trade programs directly with their customers.
8 We'll be getting the name and the origin of the product in the
9 hands of those consumers where they're buying it which is
10 predominantly within the state and in the northeast
11 territories. Customer marketing activation, so doing things
12 directly to the customers and let them know the product, where
13 they're buying it from and where it comes from at the point at
14 which they purchase it, both in the consumer side and food
15 service side. We'll continue to engage consumers within the
16 state, as well, to get them aware of what is actually
17 processed, caught, and consumed within the state.
18 And in year three, more about sustaining,
19 continuing to process trade programs with customer activation
20 and continue to engage with consumers and then turn over assets
21 and hand over to the existing staff to monitor and continue the
22 program move forward.
23 Year one is more about which we're in now is
24 creating a buzz through research, through development of media
25 programming and collateral, so developing consumer national

1 trade advertising, digital advertising, and then engaging in
2 social media.
3 Step three was more public relations and events,
4 doing activation where people are consuming seafood are, where
5 we need to be in order to establish the point of origin. Also
6 be able to protect ourselves through creating crisis management
7 plan and media monitoring plan for things that are still
8 ongoing and negative in relationship to the spill. And then
9 general outreach to the general media, local and geographical
10 targeted events and sponsorships. Some of them were
11 prearranged engagements, and others are ones we seek out to be
12 a part of that make the most sense for what we're trying to
13 achieve. And then down at the trade support, so like the
14 Boston Seafood Show, and where we can provide processors and
15 industry an area to be able to produce materials of their own
16 company and then hopefully sell and move the brand forward.
17 And then provide them the marketing tools and kits to be able
18 to compete effectively at the marketplace with restaurant
19 merchandising kits, retailer promotional kits, things that they
20 have in their arsenal to be able to represent themselves and
21 the State of Mississippi. And then develop a web presence,
22 create an environment for people to learn and educate
23 themselves about seafood from Mississippi and an area for us to
24 also do business within the trades and within the industry, as
25 well.

I think I covered a lot of those.

Looking at the actual collateral and media that we've done in branding, whether it's producing materials for a trade show booth, creating recipes, and utilizing recipes from our data base, developing recipe cards, creating safety brochures, looking at local and consumer advertising from billboards to USM sponsorship to marketing advertising in various local publications, national trade advertising in Seafood Business and Pro Chef, Smart Brief and other online newsletters, digital advertising with search engine marketing, as well as re-marketing. And then the social media via Facebook, Twitter, and Pinterest.

Looking a the public relations efforts, for general outreach we develop and distribute press releases and events and to all things related to activities, both in media and in events throughout the country, to let the media know that we're actually doing these activities and give them the ability to get information about us on the positive side so we can actually control the message as opposed to waiting for the interview. Similar to that with our crisis plan that we have developed, how to react to certain situations, whether we're part of it or we are on the outside of it looking in. And then conducting and being part of a Gulf Coast press trip, which is a van trip throughout the Gulf, where there was a partnership with the Gulf Coalition, a series of media representatives and

editors from different trade magazines, consumer magazines, that toured the coast, again, confirming the message that our seafood is great.

Looking at events and local events we participated in. Viking Showcase, a partnership with Viking. The Great Mississippi Seafood Cookoff, Biloxi Seafood Festival, Peter Anderson Festival, participated in sponsor of Cruisin' The Coast, and Fit For The Coast program.

Looking at some of the regional events, Eat Off Chefs Tables event, JNX restaurant week, and The Great American Seafood Cookoff.

Some national events. The Mississippi Picnic in the Park and the Taste of Mississippi Dinner.

And then we have -- moving forward.

Looking at trade support specifics. International Restaurant Food Service Show and the Boston Seafood Show, NRA Show, Food Service Buyers event, we participate in First Source Food Service and First Source Retail, which are two events that take place throughout the year which is a networking marketing buyers event that happens every year in Florida. (Inaudible) which is a restaurant trade only event that takes place during NRA show.

Looking at direct customer activation, development of our restaurant merchandising kits, and then the retailer merchandising kits.

Looking at our web presence, we established msseafood.com this year which is a web based destination for consumers and trade to learn about the story of Mississippi seafood. It also allows consumers to interact through social media links, connects buyers and sellers to all the different trade channels.

And that's basically where we're moving forward and what we're doing this year.

Looking at year two, which we're about seven months into year one, we're working on engagement directly with the industry itself now that we have what we call our tool box in order, we have all the communications necessary to communicate with the industry. Our job now is to work directly with the industry and help them sell and present their companies, their messages, out to potential retailers, restaurant chains, etcetera, to actually move the meal, increase dockside value, and allow them to create a brand that represents the state properly.

Any questions?

MR. BOSARGE: Gulf & South Atlantic Fisheries Foundation has a marketing program that they have been awarded and put forth. Are we as Mississippi working within that organization, also?

MR. COTTER: Correct. We do the marketing efforts for them, as well, and they've been on the board, so we

try and do as much joint programming as possible with them.

MR. BOSARGE: And the other, even in the seafood promotion, be it from buying at a retail mark or buying directly off the boat, is there any means in there to get feedback from the public on what they like, what they don't like, what they would want different, within your plan?

MR. COTTER: Within our plan, we have the benefit I guess of being part of that working with the coalition, part of their responsibilities that they're doing consumer outreach on all of those on ongoing basis. So they have an ongoing study that they do every year in support of that.

So we are able to get that data feedback. We know what the consumers are looking for from either their knowledge, awareness, and preference of let's say seafood from a specific state or from a country.

MR. BOSARGE: Restaurant owner?

MR. COTTER: Or from a restaurant, yeah.

MR. BOSARGE: I know there's a lot of restaurants that we eat in Washington maybe where you go in a restaurant and the menu is printed every day. It goes all the way down to where the vessel it was caught off of and what state. I mean, that's nice.

Thank you.

MR. GOLLOTT: Mark, one statement. The industry

is very unhappy with you with your marketing program. Mississippi's and yours. We think you're wasting a lot of money.

The first thing we told you in the meeting when we met all of you marketers was get rid of Gulf fresh Mississippi seafood. None of the seafood is fresh that comes into Mississippi or 95 percent of it. There's about almost a million pounds a week processed in Biloxi, Mississippi. If everybody in Biloxi, Mississippi, or the whole State of Mississippi ate seafood, it wouldn't do the processors any good.

But I'll let it go. You'll hear some more about this this evening when you meet with the processors.

MR. JACKSON: I just want to point out that MOU that was signed with BP, we had a choice, Gulf safe, and then we said no, everybody in the Gulf said we don't want to use the safe any more. They said, well, you can use fresh. So Gulf fresh.

But, you know, that was the reason.

MR. COTTER: So I guess my answer is we did what we were told to do and continue utilizing that what was established before.

MR. GOLLOTT: Well, we asked you to differentiate our product from imported product with wild American shrimp. And that's the only thing that has worked in

the whole United States as far as marketing. And that's what we asked you to do And we haven't seen any of that yet.

MR. COTTER: Well, I guess if we actually processed the product and gave you the ability to be able to brand it that way, then we would be able to do that.

But until we meet with the processors individually and get their bind that they're willing to do that, whatever we put forward doesn't mean anything until it's actually on the product and the brand throughout the state.

Any other questions?

DR. ASPER: Thank you very much. Thank you, Irvin.

I believe that concludes our agenda. I just want to mention that we will have an electronic version of the ad. If you want copies of that, please get it.

PERSON IN AUDIENCE: Under M, Item Number 1, you put on the director's position, a discussion of that. Do you remember that?

DR. ASPER: Yes. And that's what we just covered under L-4. I was not aware that it was covered. I'm sorry. The version of the agenda that was mailed out didn't have that in there. My mistake.

So anyway, if you want an electronic copy, please get it, and please feel free to distribute it as widely as you can.

Is there a motion we adjourn?

MR. GOLLOTT: I'll make a motion, Mr. Chairman.

DR. ASPER: Is there a second?

MR. DRUMMOND: I second.

DR. ASPER: We're adjourned.

(Meeting adjourned 12:00 p.m.)

COMMISSION ON MARINE RESOURCES

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