

Compressed Transcript



COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

April 16, 2013

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COMMISSION ON MARINE RESOURCES

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April 16, 2013

TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT
BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW
AVENUE, BILOXI, MISSISSIPPI, ON THE 16TH DAY OF APRIL 2013
COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER
SOROE, CERTIFIED SHORTHAND REPORTER.

COMMISSION MEMBERS PRESENT:

JIMMY TAYLOR, Acting Chairman
RICHARD GOLLOTT
SHELBY DRUMMOND
STEVE BOSARGE

ALSO PRESENT:

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

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1 A. Call to Order

MR. TAYLOR: I'd like to bring the April meeting
of the Commission on Marine Resources meeting to a start.

And first of all, I notice that Senator Tommy
Gollott, I saw him somewhere in the audience. Stand up. Thank
you for coming. We appreciate your help and support.

B. Approval of Minutes

MR. TAYLOR: First thing, do we -- approval of
the minutes.

MR. GOLLOTT: Mr. Chairman, I make the motion
that we approve the minutes.

MR. TAYLOR: Do I have a second?

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

MR. TAYLOR: All those in favor. Passes
unanimously.

C. Approval of Agenda

MR. TAYLOR: Approval of the agenda.

MR. GOLLOTT: Mr. Chairman, I'd like to make a
modification to the agenda.

MR. TAYLOR: Okay.

MR. GOLLOTT: I'd like to remove M-1 and replace
it with going into executive session.

MR. TAYLOR: Is that for personnel matters?

MR. GOLLOTT: For a personnel matter, yes, sir.

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MR. TAYLOR: We have a motion on the floor. Do
we have a second?

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

MR. TAYLOR: All those in favor. Passes
unanimously.

D. Public Comments

MR. TAYLOR: Next up, we have public comments.
We welcome these. A lot of times they are what guides us into
making decisions with the expertise of some of the people that
talk. So, let's see. Mr. George Storrs.

And if anybody wants to comment, if you would,
please go to the rear and fill one of these out and send it
forward, please.

MR. STORRS: My name is George Storrs. I'm an
oyster fisherman.

MR. TAYLOR: Speak into the microphone. Pick it
up some.

MR. STORRS: I'm George Storrs, and I'm an
oyster fisherman.

I came here today -- I wanted to get on the
agenda, but I know there's protocol, and I didn't follow it, so
obviously I didn't get on the agenda. And I don't really need
to be now that I know what's going to go on today.

But my comments, I need to direct these comments

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to you guys and the staff more than just the people out here,
unless there are people out here like me that are fishermen.

But in my heart, I know that if we can get the
fishermen, the oyster fishermen involved with the staff and the
commissioners, we can go back to the days of the glory days,
like we had. And I know Richard remembers this. It was like
35 years ago. And from the inception of the regulations and
more and more people got involved in it, we've seen it has gone
down, down, down. And we have some good landings, but it
wasn't like it was. There was no limit years ago. There was
way more boats and people involved in it. It was fabulous.

And I've seen it from what it was to what it is,
and I don't like it. And I don't like sitting on the hill
because of the management plan that's killing us. And the
management plan is something that's very necessary, I
understand that the FDA has to be involved in this. But this
thing could be tweaked as far as the river stage goes and a few
other things maybe to where we could work, the fishermen could
actually work more than just -- than what we are working.

The Corps of Engineers has this great idea about
dumping the reservoir up in Jackson whenever they feel like it.
And it will drive that river up. And it will be a complete
drought, but when the rivers go, up we go on the hill, we don't
get to work. The oysters come in here from everywhere else.

And it's just something that doesn't need to be.

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1 For the last ten years, I have asked can we do something to get
2 the fishermen involved and let's do something with these reefs,
3 and there's never any money, never. We don't have the money,
4 we just don't have the money.

5 Well, the money that was spent on a couple of
6 these boats, we could have bought ten barges and a couple of
7 tugboats and some back-hoes and track-hoes to put some shells
8 out. And the fishermen could have done this. That was just
9 money that may have been directed to reef restoration, but it
10 got diverted.

11 What I want to see is if we could -- if the
12 money comes here, I want the money to stay here, and I want it
13 to be here in line with what's going on with those reefs.
14 Let's have some real reef restoration.

15 And I know that in six to ten years, I know it,
16 because I'm a hands on guy. I do it the hard way. In six to
17 ten years if you let the fishermen get involved in this, let
18 them be part of it, that we can have what we had 25, 30 years
19 ago, we can have that. Even if we get a bad storm in here, the
20 reason that the storms never took out the reef before is
21 because the power dredging was just in its infancy. Actually,
22 it wasn't like it is now and the limits. They had to start
23 limiting then because they were taking the top and bringing it
24 down to that hard bottom. When you have oysters laying on the
25 bottom, they'll roll away. They'll get -- and the tide will

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1 take them.

2 But if you can build those reefs back and you
3 can build them from the bottom up, then you can have what we
4 had then, and we won't have to go out there and dig these
5 things out of that hard bottom. Because when you start digging
6 them out of that bottom -- and this is something I want to say
7 about this year. These are beautiful oysters that we're
8 digging up, but we're digging them out, and that means next
9 year there's going to be oysters there. But the next year, the
10 year after that, the third year, there is not going to be
11 anything if we don't do something this year as far as
12 cultivation and planting on that tonging reef.

13 Now, we were taking -- we weren't taking, but
14 the tonging reef was taken two-thirds away from us, and it was
15 given to the dredgers. Fine. I fought that. I didn't like
16 it. They did it up in the legislature and finally got it
17 passed.

18 So we're locked in this little-bitty box. And
19 we're the only ones seem to have oysters that you can make
20 money with. Why? Because we did it in a way that doesn't take
21 everything out, and it doesn't take the profile down.

22 If you can just find it in your hearts and in
23 your mentalities to take to heart what I'm saying. Somebody is
24 up here talking, blowing smoke. I'm up here very serious about
25 this. If we don't do something soon, it's not going to be good

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1 for any of us. There's not going to be a resource. There's
2 always going to be a piece of a resource, but there's never
3 going to be any real product that comes off of these reefs like
4 it used to. And it could be like that. But it's only if we
5 all do it together. And you got to get the fishermen involved
6 in this. You've got to let them have a hand in it in the off
7 season, and then we can go out and catch the oysters.

8 This other thing that I was going to say, I saw
9 in the newspaper the other day that Rick Laird just passed
10 away. Now, he was a guy that me and him went round and round
11 years ago about certain things. And I can say this about Rick.
12 I love him, I adore him, as far as being the man he was and the
13 director he was. And when he did a planting program, he knew
14 where to plant, how to plant, and how to get results. I saw
15 that, and I immediately knew that everything that I was
16 fighting against was wrong. Rick knew what he was doing. And
17 I got to give him some accolades, and Mr. Eley is gone. And me
18 and him went round and round, but we buried the hatchet and we
19 were back on a level keel with him before this happened. I
20 didn't know about it, but Dale told me about it, and I hate to
21 see him go.

22 But anyway, please just get these fishermen
23 involved. That's what we need. We need the fishermen involved
24 and we need the money that comes in here for reef restoration
25 to be put in reef restoration. And we need the fishermen to do

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1 it. Thank you.

2 MR. TAYLOR: Thank you, Mr. Storrs. It's always
3 a pleasure. Your comments are always right on and very good.
4 We appreciate you coming before the commission. Thank you.

5 Since there are no further public comments, the
6 executive director's report.

7 E. Executive Director's Report

8 MR. MILLER: I don't have a formal report other
9 than just say that my first day was last Monday and had a good
10 week meeting with the staff and look forward to working with
11 the staff and the commission moving forward.

12 Thank you.

13 MR. TAYLOR: I think we as a commission would
14 like to welcome Jamie as the new executive director. I've had
15 several people tell me that his wife's already calling what
16 time he's going to be home because he's burning the midnight
17 oil here. So we thank you.

18 Next up is marine patrol, Chief Walter
19 Chatagnier.

20 F. Marine Patrol

21 2. Marine Patrol Report

22 MR. CHATAGNIER: Good morning, Mr. Chairman,
23 commissioners, Director Miller, legal.

24 Marine patrol has been busy, as usual. We only
25 had a couple of oyster cases. And probably one of the most

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1 important ones, we do a ride-along with the FDA inspector. Our
2 inspector comes over from Baton Rouge a couple times a year and
3 rides along with us and does a report whether we're managing
4 the resource properly, following FDA guidelines.

5 One of the first boats they boarded, the
6 officers cited them for an improper marine sanitation device.
7 It has to be a device that's designed to hold human waste, was
8 designed for that purpose. This man had a bucket with a crack
9 in it that was leaking all over the deck.

10 Then we move on into our crabs and all. Just
11 some unmarked crabs, no commercial license.

12 We had one gill netter off of Waveland Municipal
13 Pier, came up here and got a gill net license, went out there
14 and the first set he made he set it in an illegal area.

15 No saltwater fishing license.

16 A few over the limit of red drum. Some unmarked
17 trout lines.

18 Our regular boat and water safety stuff, nothing
19 out of the ordinary there.

20 We had one BUI refusal on one of the guys. It
21 was his second offense.

22 We taught some boat and water safety classes.
23 Lieutenant Levigne is teaching most of the classes, and he's
24 got it set up right now where he's going from city to city
25 teaching the fire departments. Just about all these fire

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1 departments have rescue boats now, but none of them have any
2 formal boat and water safety training. So he's certifying all
3 the fire department personnel.

4 We had a boat capsize near Taylor Reef. There
5 wasn't any injuries there. They got up and climbed up on the
6 reef. A couple of our officers went out there and picked them
7 up.

8 The water accidents with the fatalities. Of
9 course, we recovered the kayaker. And then the lady that
10 jumped from the bridge or fell from the bridge, we recovered
11 her last week.

12 Marine patrol went and visited 150 kids at the
13 North Bay Elementary Career Day and a bunch of students at
14 Hancock Middle School for Safety Day during March.

15 We didn't have any dive activity reports.

16 Our JEA, March JEA reports. The weather wasn't
17 always the finest, but they still managed to make 25 patrols,
18 had three enforcement action reports, and six issued state
19 citations.

20 That's pretty much the report.

21 MR. TAYLOR: Thank you. Any questions?

22 MR. BOSARGE: Yes, I have one.

23 I see one dead sea turtle. You know, the time
24 of year is coming around when we normally go to seeing this.
25 Has there been any more reports, or is that the only one?

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1 MR. CHATAGNIER: I was informed day before
2 yesterday that two more of them had came up over in the Hancock
3 County area. And then there was a total of like seven already.
4 But there's not hardly any shrimping activity going on.

5 MR. BOSARGE: I know it's hard southeast winds,
6 and that's what I was wondering if there might be a few more
7 showing.

8 MR. DIAZ: Just to address that, Commissioner,
9 just to let you know, they have started showing up since late
10 last week.

11 MR. TAYLOR: Use your microphone, Dale, please.

12 MR. DIAZ: They have started showing up since
13 late last week. And I believe as of yesterday, there was about
14 35 turtles that have shown up, and two live ones have been
15 captured also.

16 MR. BOSARGE: That's all. Thank you.

17 MR. TAYLOR: Thank you.

18 Next up marine fisheries, Dale Diaz.

19 G. Marine Fisheries

20 MR. DIAZ: Good morning, Mr. Chairman,
21 commissioners, Mr. Miller, Ms. Chesnut, Senator Gollott,
22 members of the audience.

23 I wanted to just let you all know about a couple
24 of things before we get started on marine fisheries
25 presentations.

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1 One is we did start selling commercial licenses
2 out of the Pass Christian Harbor at the Colonel George Wright,
3 Sr., building. We're selling licenses down there on Monday,
4 Wednesdays, and Fridays, from 8:00 to 3:00. And I want to
5 stress that it's commercial only. So we're trying to do this
6 in an attempt to make it convenient for fishermen that live in
7 the western part of the coast to be able to buy licenses down
8 there. It's Monday, Wednesday, and Fridays, from 8:00 to 3:00.
9 And we started selling them on April 15, and we're going to
10 sell them through the month of May. So the first day was
11 Monday, and it went just fine.

12 Also, I wanted to just update you a little bit.
13 I think a few months ago, we told y'all about a grant that we
14 received, and Marty Jones working with some of Jan's people is
15 doing a project to protect some of the shoreline on the north
16 side of Deer Island. And the project is about 40 percent
17 complete. But the way it's looking, it's habitat work, but
18 it's also community outreach. And judging by some of the
19 letters we're getting back on this project, the community
20 outreach might be the better part of the project. If you all
21 don't mind, I want to read y'all just a couple of letters real
22 quick. And we're getting a good many of them.

23 This is from some students from Massachusetts,
24 from Farmington State University, on their alternative spring
25 break. They come down and volunteer. This project needs a lot

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1 of volunteers because any time you do anything with oysters,
2 it's a lot of work. Everybody that's done that would know
3 that. So there's a tremendous amount of work.

4 So anyway, this is what this student writes. We
5 met a man named Marty while we were down in Biloxi. Marty is
6 working with creating a natural shoreline to restore Deer
7 Island. Deer Island is being destroyed by erosion. The roots
8 of the trees on the island are literally exposed up to two feet
9 above the sand until they eventually fall over. Marty
10 explained that Deer Island and other islands like it are
11 helpful barriers in case of a hurricane. It can help lessen
12 the damage done to the mainland.

13 Marty works with four or five people on his crew
14 to create an entire shoreline on the island. The project that
15 could take 30 volunteers from the alternative spring break will
16 take Marty and his crew until at least October. The hardest
17 part of that is the work on the project. They waves and the
18 weathers will tear down some of the work that they done and
19 force them to redo many parts of the project before they can
20 move on to the next step. It is a very tedious and intense
21 project, and they have very little help.

22 But Marty stays optimistic, passionate, and
23 driven. He knows that while it may not be easy, it is
24 important to him. He doesn't complain. He doesn't quit. He
25 simply keeps going and keeps passion alive inside of him.

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1 Marty inspires me more than anyone I've ever
2 met. No matter where I go, what I do in life, I hope I can be
3 as passionate and driven as Marty is. There has not been a day
4 since returning home that I have not thought about him and what
5 he has taught.

6 The alternative spring break has made me a
7 better person and has changed my life. The fact that I
8 complain about something as little as having two tests on one
9 day seems selfish and ridiculous now. I am so much more
10 grateful for all that I have. This experience has truly been
11 eye-opening and life-changing, and I know I will continue to do
12 service because alternative spring break has shown me how
13 important it is to give back. I learned more in one week in
14 Biloxi than I have learned in five years at FSU. Biloxi and
15 Marty will hold a special place in my heart the rest of my
16 life.

17 It's signed by Hanna Bruce.

18 So, like I say, the community outreach part of
19 this is touching a lot of people, and they're spreading the
20 word.

21 I've got another letter here from Drew Shanta
22 (ph.). This is to Marty. He says, thanks again for letting my
23 family join you last week. Looking back on our trip, we all
24 agree that our day loading the boat was one of our favorites.
25 I took my son Leo out to lunch today for his birthday, and we

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1 agreed that recreation can only take you so far. At some
2 point, our bodies need hard work, and we need to do something
3 that we believe is useful. All our lives, the kids hear about
4 environment is going to pot, but they seldom get a chance to do
5 anything about it. Please let me know if I can do anything
6 ever to help you. Be glad to help out more. And that's from
7 Drew Shanta.

8 And I got a whole stack of letters that's got
9 similar comments like that. So we are getting some good
10 habitat benefits, but, like I say, when all is said and done,
11 the community outreach part of it might be the most valuable
12 part of this project.

13 So I do want to thank Marty and all the other
14 people that's been working with him. It's a lot of hard work,
15 and they're doing a good job on this project so far.

16 First up for marine fisheries is going to be
17 Scott Gordon, and Scott is going to be doing a presentation
18 about oyster restoration activities.

19 3. Oyster Restoration Activities

20 MR. GORDON: Good morning, Mr. Chairman,
21 commissioners, Director Miller, Ms. Chesnut, and Senator
22 Gollott.

23 We had a request for us to review some of our
24 restoration activities that the shellfish bureau is doing. And
25 I'm glad to see George Storrs here. You know, George and I --

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1 I have known him ever since I've been with this agency, and,
2 you know, we've knocked heads from time to time. But I think
3 more often than not, we come together with things.

4 I'm a little concerned that some of the tone
5 that George had today about, you know, we haven't been helping
6 the fishermen. Maybe my presentation here will help remind him
7 of some of the things that we have done.

8 Also, if I could draw your attention to -- we've
9 got a poster in the back that John Mitchell of the shellfish
10 bureau and myself, we put this together, and we presented it at
11 the International Shellfish Restoration Conference in 2010.

12 I wanted to put this into a slide. It was just
13 too busy. There's a lot of information on there, so if you get
14 a chance, I would encourage you to take a look at that
15 presentation.

16 Also, with our limited oyster season, our season
17 total stands at 58,267 sacks. That's with 3,882 trips. We're
18 open now or we will be open now for tonging only. We were able
19 to be open one day last week.

20 The areas are currently closed due to the rain
21 and river stage. We're in a wet year. I think that's going to
22 be a good thing in the long run for the oysters. We have been
23 under several years of drought, and that's not favorable to
24 oysters. But then, also, in addition to that, we've had a lot
25 of disasters that have come our way. So I understand the

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1 fishermen's frustration, but I think in the long run, the wet
2 weather that we are having is going to be a good thing.
3 Oysters have to have that fresh water.

4 And we do every year review our management plan
5 criteria. And we tweak it wherever possible. So, you know,
6 that's something that we're constantly looking at.

7 And it was interesting with Chief Chatagnier had
8 pointed out about the FDA coming down, and, you know, they went
9 out with the marine patrol officers. I went along with them.
10 And it was Officer Gex and Grimsley, and they were very
11 professional. But the very first boat that we came up to, they
12 did not have the proper MSD. And with the oyster stewardship
13 program several years back, we provided approved MSDs for
14 everyone, all of the oyster fishermen that desired them. So
15 there was no excuse for that.

16 But I also want to again commend the officers
17 for their very professional nature.

18 Onto the main show, the review of the oyster
19 restoration efforts. I'm going to cover some of our oyster
20 reef mapping, two oyster relays. We planted nearly 7600 acres,
21 numerous oyster reef cultivations, and the oyster stewardship
22 program.

23 Prior to Hurricane Katrina, we lost a lot of our
24 records, but from one of the -- one of our people had a field
25 notebook that had some of this information. We were able to

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1 fishermen until we were blue in the face what the condition of
2 the reefs were. But until they saw for themselves, I don't
3 think they would have believed it. So that's probably one of
4 the best side benefits of that.

5 Also we did two oyster relay projects. And the
6 first one, it started in November of 2006 through January 2007.
7 We had 40 working days, 82 Mississippi boats participate, and
8 135 signed contracts, 1,876 oyster harvester trips. They
9 harvested 75,059 sacks. We paid them for those sacks, so
10 whether they were tongers or dredgers, you know, well, how do
11 you figure out how to pay these folks, and we decided to go
12 ahead and pay them like they're used to be getting paid, you
13 know, for each sack. So they actually had to stack these up.
14 I know that was some additional effort, but that took away any
15 discrepancy there, and it worked out pretty well.

16 This was loaded up onto barges by the fishermen.
17 This was done over in the Biloxi Bay area. We also had relayed
18 some out of the Graveline Bayou area. But due to the mouth of
19 that bayou, that made it difficult to do.

20 Here they are -- after they got their stacks,
21 they would bring them back. We would have somebody check those
22 out, give them a receipt for them, and they would dump them
23 into these big net bags.

24 I think what this is -- yeah. This is the
25 second one that started in March of 2008 through April. It was

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1 reconstruct back to '97.

2 Immediately after Hurricane Katrina, we had an
3 oyster reef mapping project. Now, this was from some money
4 that we received from Hurricane Ivan that immediately preceded
5 Hurricane Katrina.

6 We were working under primitive conditions.
7 This is what I affectionately refer to as the horse trailer
8 that we had underneath the remnants of one of the ice houses in
9 the past, and that's the offices we worked out of. We had
10 generators. And anyway, we did the best we could under the bad
11 conditions.

12 This is the result of that project.

13 We had 76 boats participate, 1,414 trips
14 completed. They worked for 25 days. And they completed over
15 8400 nautical miles of transects. And that provided us
16 baseline data for field sampling.

17 This occurred immediately after Hurricane
18 Katrina at a time when we would have had the oyster season
19 opened up. I know for a lot of these folks, there was one of
20 the Vietnamese fishermen that he was living out of his pickup
21 truck at this point in time, and so for a lot of these people,
22 this was their only source of income.

23 But one of the other side benefits of this
24 particular project, which I think is probably one of the
25 greatest side benefits, is that we could have told these oyster

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1 a shorter period of time. We had 152 signed contracts, and
2 there were 120 to 130 boats participate each day.

3 We had over 1700 oyster harvester trip days and
4 sixty-eight thousand plus sacks. And that was 20 barge days.

5 And again, this was at a time of the year when
6 we would have been open for regular oyster harvest. We put the
7 oyster fishermen to work. We paid them for it. I think we
8 paid them well for it. They seemed to be happy doing that
9 because this is what they do. And I think that was probably
10 again as important as anything else, you know, allowing them to
11 do some work to help restore the reefs.

12 This is that bag that they loaded up the barges
13 with. You know, there were some things that, you know, some of
14 this stuff had never been done before in this manner.

15 Typical barge carried over 5700 sacks, and we
16 had 13 barges total.

17 And these are some of the relay locations where
18 we have moved those to. The White House Reef, we moved some
19 there. The Long Beach Reef, Pass Christian, Henderson Point,
20 Square Handkerchief, Pass Marianne, and Telegraph Reef areas.

21 Again, with the amount of oysters that we had
22 and for the devastation that we had in the western Sound, this
23 wasn't going to be so much a relay for harvest again, but relay
24 to get some oysters into that area so that area could help
25 recover on its own naturally.

20

1 This is a picture of The CONSERVATIONIST pulling
2 live oyster shell and material. We've done numerous projects
3 with that.

4 The upper right-hand corner shows an oyster
5 shell with clusters of juvenile oysters. And this is just, you
6 know, some of the oysters that we were relaying.

7 To put some of this into perspective, this is a
8 picture from the 1930s, and that's 80 years ago. Now, this is
9 how they were doing it. But still the principles remain the
10 same. We've got some different equipment now, but we've been
11 doing this for quite sometime.

12 Whenever I took over the program in '97, this is
13 basically how we were doing some of the stuff, collecting the
14 shells and stockpiling it, loading it on The CONSERVATIONIST,
15 then deployment. And we've been through several different
16 gyrations on this. We now collect shell retention fees for --
17 that we will build it up to a point, and we'll use those shell
18 retention fees wherever possible to -- if we can get some
19 grants that require matching funds so we can have some
20 additional leverage on those monies.

21 For the amount of oysters that we are producing
22 every year, this way was just not cutting it. It was not
23 possible to move the amount of material and the logistical
24 nightmare. So I think how we're doing it now seems to work
25 pretty well.

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1 We've used for these cultch plant activities, we
2 use side scan, and that allows us to obtain coordinates of
3 oyster reefs, to identify areas for shell planting, and to
4 assess the damage from barge groundings.

5 With the side scan, you can see these arrows are
6 pointing to the oyster reef edges. This is one, this is prior
7 to Hurricane Katrina, one that had been done on the St. Joe
8 Reef area before and then afterwards. You can see where the
9 cultch material had been deposited on that cultch plant site.
10 So that's a way that you can kind of get a snapshot on what
11 activity has occurred.

12 This is one of the tracts that we have done
13 where you can overlay this on board the boat, the side scan
14 image. And whenever you're relaying oysters or you're trying
15 to do some cultivation, things like that, that helps you
16 visualize a little better on where to harvest.

17 And this is one of the programs that we use when
18 we are doing the actual cultch plant itself. You know, we'll
19 set out the site. The tugboat operator, he can look at exactly
20 where we are, the GPS position, and stay within the site, and
21 you can also track the area. That's a 75 acre cultch plant
22 site over in the Square Handkerchief area.

23 A load of shell and live oysters being relayed
24 for restoration.

25 And cultivating the oyster reefs and relaying

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1 oysters, we've been doing this for quite a period of time. In
2 fact, we have The CONSERVATIONIST has been out cultivating.
3 It's been cultivating in the west. It's also been involved
4 with moving some of these oyster bag material to the Deer
5 Island project. So it's in the Biloxi Bay area right now, and
6 since it's over here, we're going to have them -- they're doing
7 some cultivation work in the Biloxi Bay area.

8 But by towing the large bagless dredges over the
9 reef area, and Biloxi Bay area, it was pretty disappointing
10 when we went out a few weeks ago and took a look at it. We
11 don't have a lot of oysters in there. But there is a lot of
12 shell material. So if we can get this material turned up and
13 some fresh clean material exposed, then hopefully this time --
14 well, pretty shortly, whenever we get our spring spat set,
15 we'll get a good spat set in that area.

16 Also, with relaying oysters, that's something
17 that we have done in the past. You saw it in some of those
18 previous slides. It's taking oysters from areas that are --
19 you know, might not be able to be open for direct harvest for
20 human consumption, taken to another area where they can
21 depurate or clean out, and then they can be harvested from
22 that.

23 This is some of the larger barges, and this is
24 one of the operators' way of doing it, which I thought was kind
25 of interesting. He had his pump barge in the center and two

23

1 barges on either side, and they deployed. I just like that
2 picture. I thought it was interesting.

3 Most of them are more typically done like this,
4 and this happens to be a Number 57 limestone material being
5 washed over the side.

6 Cultch material is nothing more than clean hard
7 surface that you can have oyster larvae attach and grow to. If
8 they don't have a clean hard surface to attach to, they'll just
9 settle out on the bottom, and they would eventually die. So
10 this is very important like the oyster shells.

11 I took this picture of the first load of oyster
12 shells headed to the reefs for Hurricane Katrina restoration,
13 and they were still pulling up the remnants of the Highway 90
14 bridge going across there. And in the background, they had the
15 CSX railroad bridge which was under reconstruction.

16 This is our third cultch plant after Katrina in
17 the spring of 2007. That's showing the -- again progress on
18 the oyster reefs and then also our reconstruction along the
19 coast with rebuilding that Highway 90 bridge over St. Louis
20 Bay.

21 They're preparing in this slide to measure the
22 shell barges. We take 11 measurements on each one of those,
23 and then we take those measurements and put them into an Excel
24 spread sheet, and that calculates the volume so we know how
25 much material that we're getting. And we've been fortunate. I

24

1 don't want to jinx anything, but we're trying to maintain a
2 safe operation with this.

3 This is a tug with barges of oyster shell
4 approaching the plant site. And they're getting their pumps
5 cranked up. And then the deployment begins and putting the
6 oyster shell or limestone to work.

7 And this is spreading oyster shell over the
8 plant site. And you can see in the background, there's Bay St.
9 Louis shoreline.

10 This was a pretty fancy one where they had the
11 umbrellas for the folks on the cannons. I thought that worked
12 pretty well.

13 Going back to '97 through 2013 -- and the 2013
14 data is preliminary. It is -- the 2012 and 2013 years, that is
15 for the early restoration from the oil spill. And so we're
16 working in conjunction with the Department of Environmental
17 Quality who are the trustees for that particular one. But the
18 earlier restoration project, that was put in fairly quickly
19 after the oil spill occurred. And it took some period of time
20 to get that in place.

21 But if you go look back at the '97, I think that
22 was a grant that we had received for red tide event that we had
23 in '96, and then we had some other ones in there, Hurricane
24 Ivan, you know, this and that. But right after -- in fact, the
25 2005, that was some of the first cultch plant from Hurricane

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1 Ivan. And then in 2006, some of that was, too. But beginning
2 I believe in the fall of 2006 and some into 2008, that was
3 mainly the EDRP funds.

4] There was some discussion about the -- with the
5 2013 year. I kind of had it in my mind that that's one of the
6 largest single cultch plants ever. And I started looking
7 around and seeing, you have the Chesapeake Bay, they have done
8 1400 acres over a 15 year period. And they were bragging on
9 that. And once we started looking back at this, we saw in
10 2008, we had 1600 acres that we did. So if we're coming in
11 second place, we're coming in second place I believe to
12 ourselves.

13 These are some of the typical sites that we have
14 done. We even came up with a numbering system for these, you
15 know, how much material, where the coordinates are.

16 This is the fall of 2007.

17 And with the -- some of you might think, you
18 know, this doesn't really fall into the restoration side of
19 things. The oyster stewardship program, we called it the
20 Mississippi Oyster Stewardship Team. Whenever Dale worked for
21 me, he was working on a project for -- what was it? -- the CPM
22 or certified public manager's program.

23 Anyway, he went to go to the fishermen, do a
24 questionnaire, sort of things that the fishermen could do to
25 help improve the resource. And it was pretty successful. So

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1 far I think it was after Hurricane Ivan, we put in a little bit
2 of money to more formalize this programs. So we did that.

3 And this is one of the meetings -- this is I
4 think the first meeting that occurred, I believe it was a week
5 prior to Hurricane Katrina. And it was very successful.

6 But part of the thing was, we wanted to develop
7 and implement this project to better inform and promote the
8 active involvement of oyster harvesters in the industry in the
9 harvest practices and other techniques that can be used to
10 assist the resource managers in the judicious utilization of
11 oyster resources of the state.

12 Harvesters and industry representatives will be
13 heavily involved throughout the development and implementation
14 process through meetings, surveys, and individual contacts.

15 Innovative methods of improving the resource
16 potential will be investigated and implemented where feasible.

17 So you have Hurricane Katrina come in there, and
18 then you've got a couple of Bonnet Carre Spillway openings, oil
19 spill, and the droughts.

20 I had handed y'all a little while ago the
21 culling tool that we had developed. This was one of the
22 suggestions about the oysters -- about the oyster fishermen
23 culling. And that culling tool, that was developed after
24 talking with I believe it was Joe Ross that came in. He gave
25 me a culling tool. You know, that kind of got me to thinking

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1 and looking into different culling tools. But I talked with
2 the fishermen, as well, and we had some little prototypes made
3 up after some of their discussions. We made some
4 modifications. We had a bunch of them made up and passed them
5 out to the fishermen. But that allows them to measure whether
6 it's a legal oyster. But they can also use that to break off
7 the undersized oysters and the additional cultch material.

8 So, we've had some of those made up that we can
9 give out to the fishermen. And it's also to kind of keep in
10 their mind about the importance of them being good stewards of
11 the resource, as well.

12 And this, my wife suggested since I have that
13 beginning, that should have been at the beginning, but I think
14 I wanted it to be at the end of this presentation because we do
15 have cultch plant activities occurring right now. This is a
16 piece of limestone, and this has about four or five oyster
17 larvae on it. And in talking with the oyster fishermen, George
18 can verify this, the oysters that they've been working on now
19 are set on limestone like this, so it's pretty obvious to them
20 that's the result of our cultch plant activity.

21 So are there any questions? I know it's been a
22 lengthy presentation, but -- and again, I would invite you to
23 take a look at this poster up here.

24 MR. BOSARGE: Scott, I see quite a few oyster
25 fishermen in the audience. I just -- we put together the

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1 oyster task force to try and mimic what you have with the
2 stewardship program. Have we had a meeting of that lately
3 between the fishermen and the DMR staff?

4 MR. GORDON: No, sir, not recently.

5 MR. BOSARGE: From what Mr. Storrs said, he --
6 in other words, I think maybe we need to do that and get some
7 more input from these guys because like he's saying, everybody
8 needs to have a say in what goes on. And those guys fish in
9 there all the time. I'm sure they have some information that
10 would probably help you in your job.

11 MR. GORDON: Yes, sir.

12 And sometimes when you've got a whole lot of
13 things going on, it's hard to schedule these things.

14 I know George and I have conversations at least
15 weekly, and, you know, I'm in constant contact with a lot of
16 the folks.

17 But I agree with you that, you know, I do want
18 to have another stewardship meeting, but we've got to get some
19 of these other things behind us.

20 MR. BOSARGE: And I've heard from talking to
21 some of the fishermen, you know, with the limited season we've
22 had this year, it would really be nice to work on whether we
23 can open up some of these other areas, give them another place
24 to go. In other words, whether it be work the other end of the
25 state a little bit or even move some of those oysters,

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1 something where we're not just depending on strictly what takes
2 place down in the Pass.

3 MR. GORDON: Sure, yeah. You know, we are
4 working on those things. And I kind of have on my list the
5 things I would like to see before I retire is to have the
6 Biloxi Bay area once again where we could open it up for
7 harvest. And had worked towards that end after Hurricane
8 Katrina, but then whenever we got under the drought conditions,
9 we had the oyster drills and dermo that moved in and wiped out
10 a lot of the areas.

11 So I'm hoping that under these wet weather
12 conditions -- not that I'm intending on going anywhere any time
13 soon unless some other folks have ideas along those lines --

14 MR. BOSARGE: Our reefs have taken a beating,
15 like you say, from a lot of different environmental situations,
16 whether it be the oil spill, opening the Bonnet Carre, red
17 tides, and we need to do everything we can to try to help that
18 rebuild.

19 Thanks for all the input.

20 MR. GORDON: I think Commissioner Drummond had a
21 question.

22 MR. DRUMMOND: I heard you mention Harrison and
23 Hancock County. I don't think I heard you mention any in
24 Jackson County.

25 We've been through this before, Scott, and I

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1 just wondered if you are going to forget about us over there.

2 Are you going to conduct some kind of activity over there?

3 I haven't given up on it. We've got some
4 polluted oysters over there that need to be cleaned up. And I
5 don't know how in the hell we are going to do it. But we've
6 got a lot of oysters in there. Maybe you can move some of them
7 over to Biloxi Bay. You and I have been out there and looked
8 at it. We know there's a lot of oysters out there in East
9 Jackson County.

10 And what about all this rain? You say it's
11 going to help the oyster population?

12 MR. GORDON: I believe so in the long run.

13 MR. DRUMMOND: Why?

14 MR. GORDON: Well, we have been under drought
15 conditions. And whenever you have the drought conditions, you
16 have an increased incidence in the oyster drills, and they can
17 come in and wipe out an area. Plus, you also tend to have
18 higher mortalities with the dermo, the Protozoan parasite,
19 especially during the summer months. And, you know, we've had
20 some, you know, hot dry summers, and that's one of the most
21 important things that I would stress for oysters. They have to
22 have a constant supply of fresh water, suitable amount,
23 especially under drought conditions. If you look anywhere else
24 in the country, you know, where they're really having problems
25 with oysters, I would say nine times out of ten, it's because

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1 of insufficient amount of fresh water.

2 So I can't stress strongly enough how important
3 that is.

4 Now, we don't need them to open up the Bonnet
5 Carre Spillway and have the Mississippi River go parallel to
6 Highway 90 for two to three weeks. I spoke with someone that
7 said, I thought you needed fresh water. We don't need that
8 much. You know, we need just the right amount, and we are
9 fortunate in Mississippi and in the western Mississippi Sound
10 that we typically have enough fresh water in there that can
11 keep those oysters alive during the summer months, and that
12 allows them to grow.

13 In Jackson County, there were some of the things
14 that I didn't even have on there that some of them were for
15 mitigation. I know there was a 30 acre site in the Point aux
16 Chenes Bay area. When we planted that, there were some live
17 oysters in there. You know, we did that with a good faith
18 effort, but I believe again we were under drought type
19 conditions, and that did not -- that was really not successful.

20 Also, there were some of those areas that did
21 fare a little better than the western reefs did from Hurricane
22 Katrina. So, yeah, I've not forgotten about Jackson County, I
23 assure you.

24 MR. DRUMMOND: The eastern part doesn't get much
25 fresh water other than from rainwater. There's not a river

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1 over there. Of course, the Pascagoula and West Bay.

2 Anyway, maybe the amount of rain we have will
3 help that eastern county area.

4 MR. GORDON: I'm hoping that it will. I know
5 just this week over about a 48 hour period, there were places
6 where we had in excess of five inches of rain. And that's
7 after we had, I know, two to three inches of rain the previous
8 week. So that's a good amount of rain in a short period of
9 time.

10 MR. DRUMMOND: Thank you.

11 MR. TAYLOR: One question, Scott. Several -- it
12 might have been last year or someone you know were trying to
13 map sources of pollution so you couldn't use these oysters to
14 transplant. Some of them in some areas, I think it's called
15 they're not conditionally approved, or I don't know the term.

16 Have y'all had any success in finding any of
17 that and stopping it?

18 MR. GORDON: Wherever we do identify with our
19 shorelines and sanitary surveys, you've got to do some of this
20 stuff and keep it up every year. And we are going to be
21 looking at our water sample results.

22 You know, we're also going to take a boat out
23 and go along the shoreline. Hey, if we identify this is new
24 potential pollution source, we'll check that out.

25 And if we do find something that's of concern,

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1 we work very closely with the Department of Environmental
2 Quality. I can walk just right across the hall and say, hey,
3 here's a problem we've got here, can you see about getting it
4 -- in contact with somebody to get it straightened out. And
5 we're pretty successful with that.

6 I think that's one of the good things that
7 happened after Hurricane Katrina, there were a lot of these
8 cities that had to come in and do -- well, rebuild their sewer
9 systems. That was a very good thing, and I believe we're going
10 to be able to see some positive results in that down the
11 road.

12 MR. TAYLOR: Thanks.

13 MR. GOLLOTT: Scott, I have a piece of paper
14 here saying that Mississippi has received \$100 million, and I
15 understand it's tied up right now for restoration.

16 I suggest you start thinking big. Let's do
17 something to help this oyster industry.

18 I know some politicians are working on getting
19 this money (inaudible) so we can't restore our reefs with them.

20 MR. GORDON: Do you have any particular
21 suggestions?

22 MR. GOLLOTT: Well, I like the relaying program
23 myself. I was involved in it. I see people in Louisiana is
24 very much involved in it for years and years. The Slavonian
25 people down in Port Sulphur and Empire and those places have

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1 relayed oysters from one area to another, and they normally
2 relay them in September and don't harvest them until after
3 Christmas. And they give the oysters a chance to grow.

4 And I was wondering, do you have any data on
5 what kind of return you got back from these fishermen catching
6 these oysters and by the sack and --

7 MR. GORDON: That were relayed?

8 MR. GOLLOTT: Yes.

9 MR. GORDON: Well, we can go back and look at
10 the landings data.

11 But again, you know, those oysters weren't
12 typically moved there just for re-harvest. You know, they were
13 moved over there primarily to put the fishermen to work and
14 also to help re-populate the western Sound again, which is --
15 you know, that's our largest commercial area. And, you know,
16 it's very important.

17 I do know anecdotally talking with some of the
18 fishermen that they got into those, and they were able to
19 harvest some.

20 MR. GOLLOTT: I'm sorry. Would you repeat that?

21 MR. GORDON: That some of the oyster fishermen
22 that I spoke with, you know, when we opened up afterwards, they
23 were able to get into some of those. They thought they came
24 from the Biloxi Bay area, you know, larger oysters.

25 You would see some larger oysters along with

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1 some of the smaller ones that had gone in and became a legal
2 three inch size.

3 MR. GOLLOTT: If we do get a chance to do
4 something like this, I think you see an area set up where we
5 relay into it and keep track of exactly what kind of returns
6 we're getting back out of it.

7 MR. GORDON: Sure. I've got some ideas about a
8 different type of relaying, as well, that I might talk with you
9 later on that.

10 MR. GOLLOTT: Thank you.

11 MR. BOSARGE: Also, Scott, some of the fishermen
12 I talked to, you know, when they're doing the relay, they would
13 rather see a live relay where when they harvest the oysters
14 those oysters are taken and planted back alive, you know, where
15 they don't sit on the barge for two or three days.

16 MR. GORDON: Yeah. We would have them load them
17 up and try to get them deployed the very next day, you know, if
18 they had to go down to the -- you know, move to a different
19 area, you know, that night and be deployed.

20 Now, some of this was -- you know, we had to
21 adjust some of our mappings at that time, you know, with
22 adjusting the water pressure on these cannons so we didn't
23 destroy the oysters. So a lot of this was a learning process
24 on doing it in the scale that we were doing it.

25 MR. BOSARGE: Oh, I'm sure. Just keep in mind,

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1 I mean, I think most of the guys here would love to see a relay
2 if money is available.

3 MR. GORDON: I keep wanting to put more emphasis
4 on the cultivation because we have a lot of material that's out
5 there on the bottom that could really benefit from the
6 cultivation, and we just don't have a large area for relaying
7 for putting the entire fleet to work for a period of time.

8 But I think we can ID pretty large areas that we
9 can put the fishermen to work on cultivating to prepare that
10 for spat set.

11 We're also -- you know, the hook mussels, again,
12 that's what The CONSERVATIONIST has been doing, but that's just
13 the one boat.

14 Thank you.

15 MR. DIAZ: Thank you, Scott.

16 Next up for marine fisheries is going to be Wes
17 Devers. He's going to do a redfish data review for you.

18 4. Redfish Data Review

19 MR. DEVERS: As soon as I get this straightened
20 out here, we'll get started.

21 Good morning, commissioners. Mr. Miller,
22 welcome to your first commission meeting. And Ms. Chesnut.

23 I was asked to come give an update on red drum
24 status here in Mississippi waters.

25 Unfortunately, I've got a bunch of graphs, but

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1 I'll try not to bore you to death with them and make this as
2 painless as possible.

3 This is just a self-explanatory slide showing
4 all the limits here on the Gulf Coast, different states.
5 Mississippi falls about the middle, not the least restrictive
6 or the most restrictive.

7 One thing to note about Texas, they allow one
8 red drum over 28 inches, but you have to purchase a red drum
9 tag for that. And then they also allow for a second fish over
10 28 inches with the purchase of an additional second tag.

11 This right here is just the history of red drum
12 regulations here in Mississippi. I'm sure you're all familiar
13 with the history of it. What I did want to show you, though,
14 was that we've had our current regulations in effect since
15 1995.

16 Okay. Now for the meat and potatoes of it all.

17 This right here is showing the red drum harvest
18 since the current regulations went in effect. The line you see
19 across the graph there is the average. It's actually a trend
20 line. Excuse me. But the average of the catch is about 63,000
21 fish per year.

22 Now, all of our catch data numbers and effort
23 information comes from the MRD program, the fishing service.
24 Those numbers are extrapolated out through the actual
25 interviews and in telephone survey that they do. NMFS does

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1 that.

2 And just a note, and I'll expand on this more in
3 a moment, in 2011, 91,000 fish were caught, which is about 6700
4 more fish than the previous year. I know 6700 red drum sounds
5 like a lot, but my next slide will show you something.

6 If you look, this is the number of trips per
7 year. This is people going out fishing. Again, these numbers
8 are extrapolated from the interviews and the telephone survey.
9 1.6 million people went fishing or trips were taken rather last
10 year. That's 382,000 more trips than 2010. I'm sorry. This
11 is 2011 data. 2012 is still being working by NMFS, so we don't
12 have that available.

13 And in 2010, there was 150,000 more trips than
14 2009. That represents a 24 percent increase from '11 to '10,
15 and a 13 percent increase from '10 to '09.

16 So when you look at it this way, the number of
17 trips being taken, 6700 fish don't equate to a whole lot.
18 And the next slide shows that.

19 This is a catch per unit effort. It's actually
20 catch per trip. Okay? This is, as you can see, the trend
21 lines trending down.

22 Now, what this is telling us is that when a
23 person goes out fishing, they're catching this many red drum
24 per trip. It's going down from roughly three-quarters of a
25 fish per trip to just over a half a fish per trip.

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1 So, you know, that tells us one of two things.
2 Obviously, we've got more people fishing, and either those
3 people just don't know how to fish or basically the same number
4 of fish are available to be caught year to year.

5 We feel it's the latter. We just feel that
6 there's not a lot of recruitment back into the fishery.

7 This slide right here, this graph, is showing
8 how big fish are at an age class. Excuse me. How many we're
9 catching in a size class. Of course, our regulations are noted
10 in red. And as you can see, the majority of fish that are
11 caught have been in the -- have been less than 18 inches and
12 over 30 inches.

13 Now, these fish are based on the 992 fish that
14 we physically have aged in our labs here at the DMR. So we
15 process them in the lab and age the fish.

16 One important thing to note is the majority of
17 the fish are less than -- are 16 inches or less and, of course,
18 over 32 inches. The large fish we were able to sample from the
19 charter boat industry a few years ago, and as Commissioner
20 Taylor is nodding, he understands, we have people come from out
21 of town, they want to catch the big fish, and they want to take
22 it back to the dock and take pictures of it.

23 So even though it looks like a lot being caught,
24 you have to look at the mode that they were sampled out of.
25 This isn't coming just from like a recreational fisherman. I

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1 think 95 percent of those large fish came from that charter
2 survey.

3 This one right here is what we start looking at
4 that is really important. At age four, 100 percent of red drum
5 are sexually mature; they're able to spawn by that age, which
6 I've got little bitty red dot there.

7 We combined some fish that were sampled from the
8 research lab that they caught, and we were able to assign ages
9 to them. And with the fish we've caught in different --
10 between the charter boats and our gill nets and what not, we
11 had 2,863 fish that we assigned ages to. And out of those
12 2,800 fish, only 51 of them were four years old.

13 MR. TAYLOR: Wes, what size would that
14 four-year-old fish be?

15 MR. DEVERS: On the next slide, yes, sir, I'll
16 show you that.

17 And 1400 fish were age one. Okay? That's 80
18 percent of these fish are 16 inches or less. And these fish in
19 total comprise 86 percent of the entire sample, which are four
20 years old or less.

21 And, Commissioner, like you were just about to
22 ask, this right here shows the length at age. I'm sorry. I
23 keep getting ahead of myself. My last slide shows that.

24 Again, you can see you take the 2,863 fish, it
25 shows that the majority of the fish being landed are less than

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1 18 inches, with the majority 16 inches or less. And that is
2 below the age of maturity, which is the last one which shows
3 the next slide.

4 Sixty-four percent of fish less than 18 inches,
5 and again, that's 86 percent of the fish are less than four
6 years old.

7 Actually, Commissioner, I think I have to back
8 up to get to that slide for you.

9 Yes, sir. This was the age. The red is the
10 four-year-old fish which is the sexual maturity. And what I
11 was showing here is if you see it's over 1400 fish that are
12 only one year old. I'm sorry. Eighteen inches, but they were
13 four-year-old fish.

14 And the point of all this -- and my last slide
15 is what it is -- you know, you have to have a certain amount of
16 fish that escape being caught to go back in the fishery to be
17 able to spawn to maintain your stock.

18 We're still working with the statistician, Dr.
19 Robert Ieif, at the research lab to get the most current
20 escapement rate. But the last time we calculated it, we were
21 right around 25 percent. And 30 percent is the accepted
22 minimum. I believe Florida and maybe Texas, too, they use a 40
23 percent escapement rate.

24 So, you know, what is all this saying?
25 Basically, are we catching fish that are too young? We don't

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1 know. Are we catching young fish? Yes.

2 You know, part of the problem is that we are not
3 getting those three- to say eight-year-old fish which we
4 believe we could find if we were able to sample offshore. We
5 don't know that to be a fact, but that's kind of what the
6 thought is.

7 Anybody have any questions?

8 MR. TAYLOR: I do, a couple of things. Go back
9 to your slide on 2010-2011 fishing days. I've got a couple of
10 questions on that so I'm getting ready to say.

11 Trips. The one before that.

12 MR. DEVERS: This one here, sir?

13 MR. TAYLOR: That's the trips?

14 MR. DEVERS: Yes, sir.

15 MR. TAYLOR: Okay. In 2010, the latter part of
16 2010 and first part of 2011, the Sound, most of the Sound and
17 most of the Gulf was shut down. So I'm wondering if there were
18 more people fishing inshore, like in the Bay of Biloxi, Bay of
19 St. Louis, and all where your numbers came from. And if so,
20 then that would mean that the fish would typically be smaller
21 than what the charter fleet catches, which is normally south of
22 the barrier islands.

23 MR. DEVERS: Yes, sir.

24 MR. TAYLOR: And if you go out there, and I know
25 y'all do, most of the charter boats can only keep one fish

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1 because they all are longer than the --

2 MR. DEVERS: One over 30.

3 MR. TAYLOR: -- one over 30. So they can't keep
4 but one fish.

5 Go to your last slide and another question.

6 MR. DEVERS: The one on escapement rate?

7 MR. TAYLOR: Yes. The 25 percent. One thing I
8 think you'll see is that between Louisiana and Mississippi and
9 the offshore areas -- and I'm not a scientist -- you see the
10 giant schools of redfish, and we look for them. And I get
11 e-mails all the time. I don't think you see that in Florida
12 and some areas of Texas where they don't have the Mississippi
13 River, the Bay of Mobile, that creates the bait fish that these
14 things live on.

15 I've been out in the Gulf coming from the oil
16 rig snapper fishing, and they're hitting the side of the boat
17 there's so many of them. If you go fishing at a rig or some of
18 our wrecks on FH-13, FH-2 and all, the redfish are sometimes
19 just as populated as the red snapper.

20 So anyway, thanks.

21 MR. DEVERS: No, sir, you're exactly right. And
22 that's -- you know, we've had a lot of reports from that, the
23 offshore population. But, you know...

24 Anybody else have a question?

25 MR. GOLLOTT: Isn't it the truth that we don't

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1 know how many fish is in the Gulf because the Feds won't do an
2 assessment on it or something?

3 MR. DEVERS: Well, Commissioner, the Feds put
4 the moratorium. I don't remember the exact year, like early to
5 mid-'90s. It was '87. And basically all has been shut down
6 since then. I mean, no scientific collections allowed or
7 anything. I mean, there are some incidental catches and very,
8 very limited stuff. The young lady out of Alabama actually has
9 a paper she's waiting to have published, and she did a little
10 bit of long line stuff off of Alabama. But it's a drop in the
11 bucket.

12 And, you know, and that's exactly right.
13 Because we are not sampling that offshore population, we don't
14 know. So we're having to do everything off of just what we see
15 here in the state waters.

16 MR. GOLLOTT: Thank you very much.

17 MR. DEVERS: Yes, sir.

18 MR. DRUMMOND: I forget when NOAA did a tag and
19 release survey years ago. Did we get anything out of that?

20 MR. DEVERS: Commissioner, yes, sir, that was
21 done with the research lab. And then recently -- well, the
22 last five years we did it here, as well.

23 MR. DRUMMOND: Those were (not speaking into
24 microphone, inaudible).

25 MR. DEVERS: Yes, sir. I mean, everything we

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1 have tagged -- I mean, I don't have the date in front of me. I
2 could get it for you and tell you what the average size was
3 tagged.

4 But any tagging return, you're lucky. A good
5 tagging return study is considered I think about three percent.

6 Unfortunately, a lot of people have that stigma,
7 they see a tag in a fish, call this number if you catch it,
8 they think marine patrol or somebody is going to come kick in
9 your door, and, you know. They don't understand the good
10 scientific data that is garnered out of those tag returns.

11 And then sometimes -- I mean, you know, tagging
12 is an imperfect science. I mean, sometimes fish die, you know,
13 not very often, but it does happen. Sometimes they'll shed
14 tags, you know, or the fish is never caught again.

15 MR. DRUMMOND: You don't know of a report that's
16 ever been made on that?

17 MR. DEVERS: No, sir, I have not seen one. We
18 can check and see if we can find one possibly for you, but I'm
19 not sure that one has been done.

20 MR. DRUMMOND: Thank you.

21 MR. DEVERS: Yes, sir. Thank you.

22 MR. DIAZ: Next up for marine fisheries, Matt
23 Hill is going to do a report on regional management for
24 recreational red snapper.

25 5. Regional Management (Red Snapper) Update

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1 MR. HILL: Good morning, commissioners, Director
2 Miller, Sandy.

3 This morning I'm going to present a short
4 presentation on recreational red snapper management. I talked
5 to a few of you about it. I know Dale talked to a few of you.
6 It's a complicated issue, and we still have a lot of questions,
7 but we'll try to explain it the best we can.

8 Current red snapper management. Currently red
9 snapper is a federally managed species. It's treated as one
10 regulatory unit in the federal waters of the Gulf of Mexico.

11 The problem we're running into right now is
12 incompatible state regulations or impacts in federal management
13 measures. As you all know, certain states have gone
14 non-compliant on their red snapper regulations, and it's
15 beginning to affect the other states in the Gulf.

16 The reason that it is under a federal management
17 plan is because red snapper is overfished, and the stock is
18 currently under a rebuilding plan.

19 What is regional management and what is the
20 purpose of regional management? Regional management would
21 enable states to propose management measures most suitable to
22 each state. And basically what that means is the Feds are
23 somewhat willing to have discussions to turn over some of the
24 management decisions to each state and let them set -- they're
25 going to keep some things in place, but they're going to allow

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1 the states to set some things which we're going to talk about.

2 Red snapper would remain a federally managed
3 species subject to federal conservation goals.

4 The red snapper annual quota could not be
5 exceeded.

6 The purpose of regional management is to provide
7 flexibility in how the recreational quota is managed.

8 Some of the discussions that are going on right
9 now is what would the states have control over.

10 Again, I said this would provide the states
11 flexibility.

12 They would have control over season opening and
13 closure dates, weekend only or weekday only seasons. They
14 could basically set the season however they would like. Bag
15 limits. You could keep it at two. You could put it to ten.
16 You could put it to 30. It's up to the states.

17 But this is just some of the things that they
18 would have the options of control.

19 Here is what the map would look like. And the
20 different colors show the different states. That's each
21 state's waters. Basically, what they're proposing to do is the
22 federal waters would open up January 1 and stay open until the
23 quota is met.

24 So this is going to be based on a landings
25 allocation. Each state will be allocated a certain amount red

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1 snapper that they can land in their state. It doesn't matter
2 where they catch them. They can go catch them in Texas, and
3 you land them in Mississippi, it counts against Mississippi's
4 quota.

5 Some of the talks right now are how to allocate
6 this quota, who gets what, what to use. And the leader right
7 now is to allocate the quota on landings. Landings based
8 allocation decisions could be made using historical landings
9 data.

10 Some discussions are how long does that stay in
11 place. Do you change it after five years? Do you look at it
12 again? How exactly to do this, but everybody, state directors,
13 are definitely leaning towards a landings based allocation
14 quota. And I know Dale has had several talks with them, and
15 they have some preliminary numbers worked out.

16 The pros and cons to regional management. And
17 the biggest pro was flexibility, the ability for the states to
18 set seasons, bag limits, for hire regulations, and the number
19 of days to fish.

20 The cons. It will create more complex
21 management. Greater cooperation will be necessary among
22 states. And I'm going to have a resolution for you after I
23 finish this. I'm going to show you some of the cooperation
24 that's needed.

25 Methods to obtain state based catch estimates

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1 will vary greatly from state to state.

2 The federal government or NOAA does not --
3 they're going to estimate the catch how they've been estimating
4 it. They're going to use the programs that they've been using.
5 They're going to give the states the flexibility. You count
6 the fish at the dock, you use MRP program, you come up with a
7 program, but you're responsible for keeping up with your
8 landings.

9 And the biggest con to me right now is the
10 establishing accountability measures. No accountability
11 measures have been established yet.

12 And here's some of the questions that are being
13 asked.

14 Recreational red snapper is subject to closure
15 when the quota is reached.

16 Under a regional system, the entire Gulf will
17 close when the quota is reached regardless of which state
18 they're harvested their allocation.

19 Some of the questions:

20 Should each state be subject to individual
21 accountability measures if their allocation is exceeded?

22 How would individual state overages affect other
23 states?

24 Should the initial state allocations be
25 periodically adjusted?

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1 And this is just an example of three questions
2 out of many that are going to have to be answered.

3 And after the state directors come up with
4 something, it still has to go through the Gulf Council approval
5 process.

6 And before I read this, are there any questions
7 on this right now?

8 MR. DRUMMOND: Is there an allocation for red
9 snapper per state right now?

10 MR. HILL: There's a preliminary one. It's
11 roughly two and a half percent.

12 There's a preliminary one right now, and it's
13 roughly three percent for Mississippi of the Gulf total --

14 MR. DRUMMOND: Total amount allocation?

15 MR. HILL: Yes, sir. And that's based on -- and
16 it is preliminary, but it is based on the historical landings.

17 MR. TAYLOR: What do the other states have?
18 Texas, Louisiana?

19 MR. HILL: Texas is roughly 15 percent.
20 Louisiana, 14. Alabama was 28 percent, and Florida was
21 somewhere right in there, 28, 30 percent.

22 MR. TAYLOR: Are they still using the MRFs data
23 to use -- to get their figures? I'm sorry.

24 MR. HILL: It's actually -- it's changed over to
25 MRP now. It's the same program. There's been some tweaks

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1 made. This year is the first program. But that is what they
2 use, and that's what they're going to continue to use to get
3 their numbers.

4 MR. TAYLOR: Are they still calling people from
5 Ohio and every place else?

6 MR. HILL: They're narrowing the survey down.
7 That was part of the data base we had to provide them of our
8 fishermen.

9 They are narrowing the telephone survey down.
10 It's becoming a better program, but it's still got a little
11 ways to go.

12 MR. GOLLOTT: Matt, how did Mississippi come up
13 on the short end of the stick three percent?

14 MR. HILL: Actually, we were one of the only
15 states that didn't take a loss. Three percent is actually a
16 little higher than what our historical landings show. I think
17 we were right around 2.4 percent. And we got bumped up.
18 Alabama actually took a loss.

19 MR. DRUMMOND: You're talking about rec
20 landings?

21 MR. HILL: Recreational landings, yes, sir.

22 MR. DIAZ: Bear in mind, these are only
23 discussions that's been had by state directors at this point.
24 But one reason we wanted to do this presentation is because now
25 the Gulf Council is seriously considering this. And for us to

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1 do anything to vote whether to go along with this type of a
2 management process, we really need to make sure that the
3 commission is on board with it because we will need to start
4 entering into negotiations on how to solve some of these
5 questions that Matt raised today if we decide to move forward
6 with his method.

7 But we just wanted to show y'all kind of what's
8 been talked about with regional management and see if y'all
9 will tell us if yes, you would like us to enter in some
10 negotiations for the State of Mississippi to move in this
11 direction, or no, you would not like us to do that.

12 MR. GOLLOTT: Mr. Chairman, I make a motion --
13 let's find out -- I make a motion that we go into -- a motion
14 from the commission to proceed with negotiation with
15 appropriate state officials from other Gulf states, NMFS, and
16 the Gulf Council on issues related to recreational red snapper
17 regional management in the Gulf of Mexico.

18 MR. TAYLOR: We have a motion on the floor. Do
19 we have a second?

20 MR. DRUMMOND: I second the motion.

21 MR. TAYLOR: We have a motion and second.

22 Discussion.

23 MR. BOSARGE: Yes. I'd like to ask Dale a
24 question.

25 In your opinion, because this is a whole new

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1 management regime for us here within the DMR, what's it going
2 to cost the state? In other words, what do you see in manpower
3 and time to try to put something together to satisfy the Feds?

4 MR. DIAZ: The way I would see us doing it as
5 far as us trying to count the fish, what we are going to do is
6 we're going to look at historical landings, and we're going to
7 look at the projected sizes of fish that are expected to be
8 caught in the upcoming year, and we are going to project the
9 season much like the Feds do it now. So that's the way we are
10 going to manage the upcoming season because that would be
11 relatively inexpensive.

12 There probably will be some expenses. There
13 might be some additional enforcement actions and things like
14 that. I don't have a dollar amount to give you.

15 MR. BOSARGE: But do you see it as minimal or
16 significant?

17 MR. DIAZ: I think the way we're trying to plan
18 is minimal. We really don't have a budget to deal with large
19 expenditures related to this. So we would have to do it in a
20 way where it was very cost efficient.

21 MR. BOSARGE: And you feel that our landings --
22 in other words, this whole management scheme for Mississippi
23 should be based on what is landed. I see that's the only way
24 it would ever work because if we have to do it by state
25 borderlines or federal border, this is going to get crazy.

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1 That's your plan?

2 MR. DIAZ: I do agree if we go into regional
3 management that dealing with what's landed in each state is the
4 best way to do it.

5 MR. BOSARGE: I agree, also. I don't have a
6 problem with proceeding on because it appears that all the
7 states are going to. My biggest concern is the stock. There's
8 been a lot of effort, a lot of work put into rebuilding the
9 stock, and you make sure that this does not -- as long as we
10 stay in the quota, then I'm okay with it.

11 MR. TAYLOR: And, Dale, is there a stock
12 assessment on red snapper being done right now?

13 MR. DIAZ: There is.

14 MR. TAYLOR: Do you know when it's due?

15 MR. DIAZ: Yes, sir. The stock assessment is
16 being done. They're telling us that we'll get the numbers from
17 the new stock assessment somewhere in May.

18 Right now, the current season that's projected
19 for this year is 28 days, and it starts on June 1. If new fish
20 are awarded because the stock assessment shows that the stock
21 is a little bit larger and more fish can be harvested, more
22 than likely those fish would have to be caught in a separate
23 supplemental season later in the year. There's not enough time
24 from what I understand to get any new fish that would come into
25 the system to where we could just add onto that 28 day

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1 season.

2 MR. TAYLOR: Well, I have -- and this is a
3 personal thing about, you know, the first slide that says the
4 stock is overfished and it's in a rebuilding plan. It is. But
5 if you talk to anybody that fishes the Gulf or does anything,
6 they're a nuisance. You can't even get down to get a grouper,
7 a tilefish, or anything.

8 So hopefully this stock assessment, you know,
9 will show that. Thank you. Thank you, Matt.

10 We have a motion on the floor. Any further
11 discussion? Motion and a second.

12 MR. DRUMMOND: I have one more comment. I'm
13 just thinking right now, we're having a motion to let -- who?
14 -- Dale and whoever go out and negotiate for red snapper
15 management by state.

16 MR. DIAZ: I am the department representative
17 currently on the Gulf Council, and I will be handling most of
18 that. But I'll be working closely with Director Miller on
19 these decisions. And as we move down the road, I will make
20 sure if y'all decide to approve this to keep the commission
21 informed on how this unfolds.

22 MR. DRUMMOND: Is this what is happening with
23 the rest of the Gulf states? I mean, are their commissions
24 calling for a motion?

25 MR. DIAZ: All of the other state directors are

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1 in the same position as me. They don't have the authority to
2 make these decisions without their commissions backing them up.
3 So they are having to get the same type of approval as what I'm
4 asking from you today. They're all having to do the same
5 thing.

6 I do know Louisiana has already given that
7 approval. Alabama just has one commissioner. But some of the
8 other states have already got approval to enter into these type
9 negotiations.

10 MR. DRUMMOND: Okay, Dale. That's fine with me.
11 I was just inquisitive about it.

12 MR. TAYLOR: We have a motion and a second on
13 the floor. All those in favor. Opposed. Passes unanimously.
14 Thank you.

15 MR. BOSARGE: I just have one more question for
16 Dale. If Mississippi has three percent, and it's a 28 day
17 season, so if our landings, if we land three percent of the
18 quota in ten days, then our season will close?

19 MR. DIAZ: Whenever we reach the allocation
20 that's allocated for Mississippi, we will shut landings down in
21 the State of Mississippi at that time.

22 MR. BOSARGE: In other words, in Mississippi,
23 we're almost in a situation that is not as good as Texas or
24 Alabama because they have a bigger portion of the quota, and
25 because we only have three percent, whereas when you spread out

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1 through all the Gulf states, we have -- we know we have a 28
2 day season. Three percent is not many fish. And I just
3 wondered, we might not be biting ourself simply because our
4 season could wind up shorter than what it would normally be.

5 MR. HILL: The main thing that we're worried
6 about is if we do not start at least enter into some of these
7 negotiations and some of the decisions start being -- the
8 federal -- the Feds are going to shut down red snapper
9 regardless if Mississippi catches zero percent or catches three
10 percent. If Texas catches -- once the entire quota is met in
11 the Gulf, no matter who catches it, it's getting shut down.

12 So if we're not available to just at least
13 negotiate and -- but three percent, yeah, we're going to have
14 to live with the days that that's going to give us.

15 MR. TAYLOR: Louisiana and Texas also have gone
16 non-compliant --

17 MR. HILL: That is correct.

18 MR. TAYLOR: -- which affects our three percent
19 under this. I think it's a way to solve that partially.

20 MR. DIAZ: I want to make one thing real clear
21 about the three percent. The three percent that Matt has been
22 referring to is a tentative agreement between the state
23 directors on what the allocation should be. But that ultimate
24 decision has to be passed through the full council, so as we
25 sit here today, what state directors have agreed is an

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1 allocation that we've all said we could live with. Still has
2 to be passed over there.

3 So just want to make that clear that votes at
4 the council still have to be taken.

5 MR. BOSARGE: Have you done the math? What is
6 three percent of the recreational --

7 MR. DIAZ: About 124,000 pounds.

8 MR. BOSARGE: A hundred twenty-four thousand
9 pounds.

10 MR. DIAZ: Uh-huh. But that's the -- that is
11 going on today's stock assessment. Bear in mind there's a new
12 stock assessment coming out, and more fish may be available.

13 MR. DRUMMOND: Dale, one more question. What
14 does non-compliance mean?

15 MR. DIAZ: Right now, non-compliance -- the
16 federal government has certain regulations that whenever they
17 set the season for snapper. And basically last few years, it's
18 been opening on June 1, and it's been running for however long
19 the season is set for, two fish bag limit, 16 inch size limit.

20 Certain states have decided in their state
21 waters to not go along and be consistent with the federal
22 regulations. For instance, Texas for the last several years
23 has left their state waters open 365 days a year with a four
24 fish bag limit and a 15 inch size limit. So they've been
25 non-compliant with the federal regulations.

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1 Louisiana opted to do that this year. They have
2 opened up red snapper season for weekend only starting on the
3 weekend of Palm Sunday running all the way through September.
4 They have a three fish bag limit with a 16 inch size limit.

5 Florida is saying they have made a proposal to
6 have a non-compliant season in Florida which the federal season
7 is set to be from June 1 to June 28. Florida is proposing have
8 a state season that would be from June 1 to July 15.

9 Now, because the states have the non-compatible
10 regulations, at the last council meeting there was an emergency
11 rule passed, and the emergency rule said that the federal
12 government could shut down waters adjacent to a state to
13 account for non-compatible state regulations.

14 So right now, the federal season adjacent to the
15 states that are non-compliant is shorter than it is for the
16 states that are compliant. For instance, Mississippi and
17 Louisiana are planning on being compliant. And it's a 28 day
18 season with the numbers we know today.

19 I know off of Louisiana, it's only a nine day
20 season. Matt is saying seven. There's some number. Anyway,
21 the seasons are shorter off of the states that are
22 non-compliant in these federal waters.

23 MR. DRUMMOND: Non-compliance is strictly in
24 state waters?

25 MR. DIAZ: Right.

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1 MR. TAYLOR: I might add that Mississippi has
2 very little state waters that hold snapper, maybe one or two
3 little spots.

4 MR. BOSARGE: Louisiana is also telling their
5 people that they can go out to the three marine leagues and
6 catch fish. And considering that's state waters, which until
7 the federal government comes down and blesses that three marine
8 leagues, which I think we're going to talk about here --

9 MR. DIAZ: Yeah, I think Joe Runnels is going to
10 do that later.

11 MR. BOSARGE: I understand that the Coast Guard
12 is patrolling that hot and heavy from the three miles out to
13 that 10.38 because if we catch fish within that zone, that's
14 still considered federal waters, and that's punishable by law.

15 MR. DIAZ: If there's no more questions, we have
16 three resolutions that we need to read into the record. And
17 Matt is going to do the first one, and then I'll handle the
18 second two.

19 6. Resolution

20 MR. HILL: Sandy said I had to read this whole
21 thing in the record, so I guess I'm going to have to. But this
22 is one of the things we were talking about earlier, the
23 cooperation between the states. I'm just going to give a brief
24 overview of what this is.

25 We've been talking with Louisiana on setting up

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1 a traversing corridor. Right now, the way their season is set,
2 even the snapper season regional management doesn't happen and
3 snapper season stays the same, their seasons and regulations
4 are different than what we're going to have to live by. We
5 have a lot of fishermen that traverse through Louisiana waters
6 on their way back home, especially over in Hancock County and
7 western Harrison County.

8 Right now, they cannot traverse with red snapper
9 through Louisiana waters whenever -- Louisiana is only open on
10 the weekends in state waters. So if our fishermen go through
11 there on the weekdays, they will be breaking the law.

12 So we've been in contact with them. And they've
13 asked us -- there's still some details to get worked out.
14 We've had Chief Chatagnier in there with us trying to work some
15 things out with some of their law enforcement on some
16 conference calls.

17 But this is a resolution from our commission to
18 their commission to consider setting up a transversing corridor
19 for Mississippi residents. And it reads:

20 Resolution Number 041613-01.

21 Whereas, the Mississippi Commission on Marine
22 Resources, a duly constituted governmental entity created to
23 serve the great State of Mississippi; and,

24 Whereas, the State of Louisiana has proposed a
25 seaward extension of their state boundary to three marine

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1 leagues to equal the territorial boundary of the State of
2 Texas; and,

3 Whereas, the State of Louisiana has proposed
4 different bag limits and allowable days for fishing for red
5 snapper in their territorial waters; and,

6 Whereas, the State of Louisiana's seaward state
7 line and Mississippi's seaward state line intersect at
8 approximately 90 degree angle, and the shortest and safest
9 distance for Mississippi residents in the western part of the
10 Mississippi to access federal waters to fish for federally
11 managed species is to traverse Louisiana state waters; and,

12 Whereas, the Commission on Marine Resources has
13 the authority pursuant to Mississippi Code 49-15-303(b) to
14 enter into cooperative agreements with federal and state
15 entities; and,

16 Whereas, the citizens of the State of Louisiana
17 and the State of Mississippi would benefit from the
18 establishment of a recreational fishing vessel traversing
19 corridor between the two states to provide for and to enhance
20 safe passage for residents fishing the federal exclusive
21 economic zone or the EEZ.

22 And here is what we're asking.

23 Now therefore be it resolved by the Mississippi
24 Commission on Marine Resources in a duly constituted and
25 assembled meeting that the commission requests that the

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1 Louisiana Commission on Wildlife & Fisheries after due
2 consideration propose and enter into an agreement with the
3 Mississippi Commission on Marine Resources for the creation of
4 a recreational fishing vessel traversing corridor for use by
5 residents of Mississippi when accessing the EEZ and while
6 complying with conditions of use established by the Louisiana
7 Commission on Wildlife & Fisheries.

8 So we're asking to pass this resolution to send
9 from our commission to Louisiana's commission.

10 MR. GOLLITT: Mr. Chairman, I make a motion that
11 we approve the resolution.

12 MR. BOSARGE: And I second the motion.

13 MR. TAYLOR: We have a motion and a second. Any
14 discussion? All those in favor. Opposed. Passes unanimously.

15 MR. HILL: Thank you.

16 MR. DIAZ: Thank you, Matt.

17 I got two other resolutions. Just recently,
18 we've lost two folks that have dedicated their life's work to
19 working with marine resources, and both of them have made
20 significant contributions to the marine resources of
21 Mississippi. One of them is Mr. Larry Simpson who was the
22 director of Gulf States Marine Fisheries Commission, and the
23 other one is Mr. Rick Leard who was a former director here but
24 was the deputy director of the Gulf of Mexico Fisheries
25 Management Council.

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1 The first one I'm going to read is related to
2 Larry Simpson. But I did want to say a quote that I went to
3 his funeral on Saturday, and the minister made a quote that I
4 thought was very good. He said, in the forest of humanity, a
5 giant oak has fallen. I was thinking, in the world of marine
6 resource management, we have truly lost a giant in Larry
7 Simpson. I can't think of a person who has done more for the
8 marine resources of the Gulf of Mexico than Larry.

9 So this is a commission -- the Mississippi
10 Department of Marine Resources, Commission on Marine Resource
11 resolution:

12 Whereas, the Mississippi Commission on Marine
13 Resources is duly constituted government entity created to
14 serve the great State of Mississippi;

15 Whereas, said service includes the conservation
16 and wise management of the marine resource of Mississippi; and,

17 Whereas, the Mississippi Commission on Marine
18 Resources acknowledges contributions to the betterment of the
19 fisheries of Gulf of Mexico for significant biological,
20 industrial, legislative, enforcement, administrative
21 activities; and,

22 Whereas, Larry Simpson served as executive
23 director of the Gulf States Marine Fisheries Commission from
24 1983 to 2013 and honored his responsibilities as chief
25 executive officer for managing all affairs and programs of the

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1 and the Gulf of Mexico Fisheries Management Council, and
2 community and civic organizations;

3 Whereas, Larry Simpson passed away on April 10,
4 2013.

5 Now therefore be it resolved in a duly
6 constituted and assembled meeting that the Mississippi
7 Commission on Marine Resources recognizes and appreciates the
8 long valuable career and service of Larry Simpson to the
9 enhancement of fisheries management of the Mississippi and the
10 Gulf of Mexico.

11 Done and resolved in this duly constituted and
12 assembled meeting on this the 16th of April 2013.

13 MR. TAYLOR: Do you want to read the other one?

14 MR. DIAZ: I can do both of them if you'd like.

15 The second one is for Rick Leard, and it's
16 Commission on Marine Resources resolution.

17 Whereas, the Mississippi Commission on Marine
18 Resources is a duly constituted government entity created to
19 serve the great State of Mississippi; and,

20 Whereas, said service includes conservation and
21 wise management of marine resources of Mississippi;

22 Whereas, the Mississippi Commission on Marine
23 Resources acknowledges contributions to the betterment of the
24 fisheries of the Gulf of Mexico for significant biological,
25 industrial, legislative, enforcement, administrative

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1 Gulf States Marine Fisheries Commission;

2 Whereas, as the chief executive officer, he was
3 responsible for all activities for the Gulf States Marine
4 Fisheries Commission and has been integral in expanding that
5 commission's programs and responsibilities over the last 30
6 years; and,

7 Whereas, under his guidance the Gulf States
8 Marine Fisheries Commission has worked in the interest of the
9 Gulf states to promote and conserve the conservation,
10 development, and full utilization of fisheries resources of the
11 Gulf of Mexico to provide food, employment, income, and
12 recreation to the people of the United States;

13 Whereas, he was the longest standing member of
14 the Gulf of Mexico Fisheries Management Council and a key
15 player in the development, coordination, administration of
16 cooperative programs that include the Southeast area monitoring
17 assessment program, the interjurisdictional fishery program,
18 the sportfish restoration program, the fisheries information
19 network program, the economic program, emergency disaster
20 relief program, and the oil disaster recovery program;

21 Whereas, he has authored and co-authored
22 numerous publications and was a member of the American
23 Fisheries Society, the International Association of Fish &
24 Wildlife Agency, the Department of Commerce Marine Advisory
25 Committee, the State & Federal Fisheries Management Committee,

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1 activities; and,

2 Whereas, Rick Leard served as executed director
3 of the Mississippi Marine Conservation Commission from 1977 to
4 1979; and,

5 Whereas, Rick Leard provided leadership as
6 director of Mississippi Department of Wildlife Conservation
7 from 1979 to 1989; and,

8 Whereas, he was program coordinator of the
9 interjurisdictional fisheries management program of the Gulf
10 States Marine Fisheries Commission from 1990 through 1996; and,

11 Whereas, he provided guidance as deputy
12 executive director of the Gulf of Mexico Fisheries Management
13 Council from 1996 to 2013 with special expertise focused on
14 shrimp and mackerel fisheries management;

15 Whereas, he has authored 18 publications on
16 oysters, menhaden, black drum, clams, and striped mullet, and
17 taught 35 college classes, including biology, ecology,
18 physiology, mammology, ichthyology, marine ecology, plant
19 anatomy, animal behavior, ornithology, and statistical methods;
20 and,

21 Whereas, Rick Leard received a Ph.D. from the
22 University of Southern Mississippi in 1985 and was a member of
23 the Marine Fisheries Advisory Committee from 1982 to 1984, the
24 National Shellfish Association, and the American Fisheries
25 Society;

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1 Whereas, Rick Leard dedicated 35 years to
2 fisheries management; and,
3 Whereas, Rick Leard passed away on April 3, 2013.
4 Now therefore be it resolved in a duly
5 constituted assembled meeting that the Mississippi Commission
6 on Marine Resources recognizes and appreciates the long
7 valuable career and service of Rick Leard to the enhancement of
8 fisheries management for Mississippi and the Gulf of Mexico.
9 Done and resolved in this duly constituted
10 assembled meeting on this the 16th day of April 2013.
11 MR. DRUMMOND: Mr. Chairman, I make a motion we
12 approve both of these resolutions for two outstanding men.
13 MR. GOLLOTT: I'll second that motion.
14 MR. TAYLOR: We have a second. All those in
15 favor. Opposed. Passes unanimously.
16 We're going to take about a five minute break
17 real quick before we continue.
18 Dale, you're done; right?
19 MR. DIAZ: Yes, sir.
20 We'll get these mailed out to their families,
21 too.
22 Thank you all very much.
23 (Off the record.)
24 MR. TAYLOR: I'd like to bring the April
25 Commission on Marine Resources back into order.

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1 Next up is coastal ecology, Jan Boyd.
2 H. Coastal Ecology
3 MR. BOYD: Good morning, Mr. Chairman,
4 commissioners, Mr. Miller, Ms. Chesnut.
5 Coastal ecology has one action item on the
6 agenda for your consideration this morning, and James Davis
7 will be presenting that.
8 3. Bureau of Wetlands Permitting
9 a. Silver Slipper Casino Venture, LLC
10 MR. DAVIS: Good morning. I'm James Davis.
11 Today we have a request for permit extension by the Silver
12 Slipper Casino. It's located on Bayou Cadet in the Mississippi
13 Sound at 5000 South Beach Boulevard in Bay St. Louis, Hancock
14 County, Mississippi. It's in the commercial fishing and
15 recreational marinas district.
16 Just an overhead image. You can see the Silver
17 Slipper there towards the bottom left marked by the yellow
18 thumb tack.
19 Just an overhead, zoomed-in overhead. This area
20 right here is where they are proposing their marina that we're
21 getting an extension for.
22 And then this slip area right here is the fill
23 area that they are proposing to fill.
24 They're requesting a four year extension of
25 their previously authorized permit.

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1 They have completed one acre of tidal wetlands
2 fill. Work not completed associated with their project is .84
3 acres of previously excavated area that was a boat slip area I
4 just pointed out, 400 linear feet of bulkhead, 11,000 linear
5 feet of breakwater, concrete pier 210 feet long by 15 feet
6 wide, 715 linear feet of 9 foot wide floating pier, 605 linear
7 feet of 5 foot wide floating pier, dredging of 40,000 cubic
8 yards and pumpout facilities.
9 This is a picture of the area that they are
10 proposing to construct a marina.
11 This is the area they're proposing to fill.
12 This is just some diagrams. On the left is the
13 fill area where they're proposing a parking garage extension.
14 And then on the right is their marina, as you can see.
15 Overall project.
16 Special conditions in their permit. They were
17 required to pay \$10,000 dredge fee for removal of public trust
18 wetlands. They're also required to mitigate for impact to
19 tidal waterbottoms and place the mitigated area into a
20 conservation easement.
21 Mitigation requirements are as follows:
22 .25 acre of tidal marsh restoration; five acres
23 of tidal marsh creation; 1.1 acres of creation of high marsh;
24 .2 acre creation of open water; and enhancement of .8 acres of
25 high marsh, totaling 7.35 acres of mitigation.

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1 This is a picture taken yesterday of their marsh
2 and waterbottom created area.
3 This is their high marsh creation.
4 Project chronology.
5 They submitted a permit application to us in
6 January of 2006.
7 They were issued a permit by the commission with
8 all work to be complete by June 7, 2009, in May of 2006.
9 February 2008, a modification and extension
10 request was submitted to DMR.
11 April 2008, the commission granted the
12 modification and two year extension to the permit, all work to
13 be completed by June 7, 2011.
14 In March 2013, we received a permit extension
15 request.
16 And recently we did receive a detailed
17 mitigation report. Currently, all mitigation has been
18 completed, but the conservation easements have not been made
19 due to some property ownership issues.
20 Staff of DMR recommends approval of the four
21 year extension with work to be completed by June 7, 2015.
22 Questions?
23 MR. GOLLOTT: The spoil, have they dredged this
24 out already, or they need to dredge it?
25 MR. DAVIS: I don't think they have dredged it

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1 out yet.

2 MR. GOLLOTT: What are they going to do with the

3 spoil? Is it going to go to a beneficial --

4 MR. DAVIS: This permit was issued before the

5 beneficial use areas were set up, so it's not required to.

6 They have the option to dispose it if they choose.

7 MR. GOLLOTT: I think we need to require that.

8 Can we do that?

9 MR. DAVIS: Yes, we can.

10 MR. GOLLOTT: I'd like to make a motion that we

11 accept the recommendation of the staff with the -- what's the

12 word I'm looking for? -- with the spoil used for beneficial

13 use.

14 MR. TAYLOR: We have a motion on the floor. Do

15 we have a second?

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

17 Chairman.

18 MR. TAYLOR: We have a second.

19 I have a question. It looked like the pictures

20 of a marsh grass they had done a really good job in redoing the

21 wetlands.

22 MR. DAVIS: Yes, sir. Currently today, I

23 believe they've achieved 85 percent coverage success.

24 MR. TAYLOR: Okay. We have a motion and second

25 on the floor. Any further discussion?

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1 MR. TAYLOR: Any questions?

2 MR. DRUMMOND: All the tidelands funds are gone?

3 MS. VESA: Well, they're obligated at this time.

4 MR. TAYLOR: Anything else?

5 Thank you.

6 That brings up M, other business. I'm sorry. I

7 had my glasses off. Coastal management and planning, Joe

8 Jewell. How can you miss him?

9 MR. JEWELL: We don't have a presentation this

10 meeting. We plan to do others in the future, but this meeting

11 we do not have anything on the agenda.

12 MR. TAYLOR: Then that brings us to other

13 business. Where are my glasses? Legal, Sandy. Joe Runnels.

14 L. Directorate

15 4. Legal

16 MR. RUNNELS: Good morning. You should have in

17 your packets some legislation that was passed this last

18 legislative session. And we are going to go through some of

19 those, and you should have two sets. One set was on

20 legislation that the DMR proposed that was approved, and the

21 other set were some other interesting pieces of legislation

22 that passed during this last legislative session. We're going

23 to take those up first. And I want to thank Dale and his staff

24 and Traci in particular for finding these gems for us.

25 The first one is House Bill 478. It requires

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1 MR. BOSARGE: I have one question. With the

2 conservation easements, what is the problem there?

3 MR. DAVIS: I believe there's some issues or

4 disputes over the ownership of the property. And if they can't

5 get that settled, they're going to look at putting some other

6 land under easement and creating it if they need to.

7 MR. BOSARGE: Okay. No further discussion.

8 MR. TAYLOR: All those in favor. Opposed.

9 Passes unanimously. Thank you.

10 MR. BOYD: Thank you, Mr. Chairman. That

11 concludes our presentation.

12 MR. TAYLOR: Tidelands office, Joe is not here.

13 Administrative services.

14 J. Administrative Services

15 2. Financial Report

16 MS. VESA: Good morning. My name is Kara Vesa.

17 I'll be giving the financial report today.

18 On March 31, our budget was \$6,152,176. We had

19 spent \$5,457,026, leaving a remaining balance on March 31 of

20 \$695,150.

21 Tidelands funds are obligated at this time.

22 And in addition to this presentation, like the

23 past few months, I've included in your packets a list of

24 additional funding for your review. If there are any

25 questions, I could answer them.

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1 that details of bond expenditures be posted on the searchable

2 transparency website.

3 House Bill 480. Agencies are to monthly review

4 and update their own agency websites for accuracy.

5 House Bill 1243. Sixty days after each

6 legislative session, agencies shall post in a section on the

7 agency's website updates on legislation that revises the powers

8 and duties of the agency.

9 House Bill 1265 requires at least annual reports

10 to the DFA on land acquisitions and conveyances.

11 Senate Bill 2070. Notice of any regular meeting

12 of a state agency is to be submitted to the DFA at least 24

13 hours in advance for posting on the searchable transparency

14 website. So that one will directly affect the commission.

15 These are the bills that the commission and the

16 department proposed and that passed this legislative session.

17 The first one is House Bill 417, and this

18 authorizes the naming of the check station in the Pass Harbor

19 after Colonel George W. Wright, Sr. This was actually a bill

20 that we had introduced last year, and it came through this

21 year.

22 This is House Bill 1216. It's the assent

23 legislation. This is the one that authorizes particular

24 federal dollars to be controlled by the commission and that

25 they be used for particular purposes. This was part of the

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1 Dingell-Johnson Sport Fish language.

2 Senate Bill 2580 is the educational requirement
3 for commercial licensees. And it has a particular language to
4 follow here. And it's to require in addition to other
5 licensing requirements the successful completion of educational
6 or training programs on shellfish sanitation as prerequisite to
7 receiving commercial licenses authorized under this chapter in
8 order to ensure compliance with the Interstate Shellfish
9 Sanitation Conference's educational requirements for shellfish
10 processors, dealers, and harvesters by January 1, 2014. This
11 is one that we really had to have passed this year, so we're
12 very grateful that the legislature was able to get this one
13 through.

14 And this is the Senate Bill 2700, and this is
15 funds for the acquisition of Cat Island. And I perused this
16 bill, and as best I can tell, this is the exact same piece of
17 legislation that was used for the acquisition of Deer Island,
18 and they just added on Cat Island to it.

19 And then finally, we come to -- looks like I
20 might have skipped one. There is an appropriations bill out
21 there. Not sure where that one went. I may have lost it.
22 Anyway, there's an appropriations bill. I'm not really
23 prepared to talk about the appropriations bill, so subliminally
24 I must have cut it out. But we have an appropriations bill.

25 MR. DRUMMOND: What about Cat Island, Joe?

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1 MR. RUNNELS: Well, the Senate Bill 2700
2 authorizes that bond money can be used towards purchasing Cat
3 Island.

4 MR. DRUMMOND: So that's going to happen?

5 MR. RUNNELS: Well, there's a mechanism for it
6 to happen. Whether it will happen or not, you have to
7 negotiate with people and get them to sell their property.
8 It's not an eminent domain process.

9 And then last is the House Bill 1072. This is
10 the one that extends the boundary of the State of Mississippi,
11 and it provides that it shall consist of all territory included
12 within the boundaries described in the Act of Congress of March
13 1, 1817, together with all territory ceded to the State of
14 Mississippi by later Acts of Congress or by compacts or
15 agreements with other states as such territory and boundaries
16 may have been or may be modified by the United States Supreme
17 Court which extends three miles of Cat Island, Ship Island,
18 Horn Island, and Petit Bois Island offshore to three marine
19 leagues.

20 And that's the last of the legislative update.
21 Any questions?

22 MR. BOSARGE: And these are all bills that have
23 passed?

24 MR. RUNNELS: Yes, sir.

25 MR. BOSARGE: And our three marine league bill

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1 basically I think I heard you say correctly that we asked for
2 it, but only until we get blessed; is that correct?

3 MR. RUNNELS: Louisiana has had that language in
4 it. This bill here did not have a condition that it either had
5 to be ratified and approved by Congress or a favorable final
6 decision in United States Supreme Court.

7 So this bill just says it's extended -- my
8 interpretation is that it says it's extended to three marine
9 leagues.

10 And that's not necessarily recognized by other
11 entities. In fact, this is a notice that the National Marine
12 Fisheries Service is putting out. And the National Marine
13 Fisheries Services reminds fishers that the recreational season
14 for red snapper in Gulf federal waters is closed until June 1,
15 2013. Gulf federal waters are those waters greater than three
16 nautical miles off Louisiana, Mississippi, and Alabama, and
17 nine nautical miles off of Texas and the Gulf Coast of Florida.
18 During the closure, all recreational harvest of red snapper is
19 prohibited, and the bag and possession limit is zero. A person
20 aboard a vessel for which a federal charter vessel or a head
21 boat permit for Gulf reef fish has been issued must also follow
22 these closure provisions no matter where the fish are
23 harvested. Direct questions to the National Marine Fisheries
24 Service.

25 MR. BOSARGE: And I guess that was my reason for

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1 asking that question. So where are we going to stand as to
2 what we tell our fishermen in the State of Mississippi?

3 MR. GOLLOTT: You know, let me butt in here. I
4 think we need our director to make it very clear, you know, to
5 the paper, the Sun Herald, television station, that if the
6 federal government or -- I don't know how we're going to handle
7 that with our state agency, like our enforcement people. We
8 need to make it very clear to these people that they can get in
9 trouble, and they're going to be on their own if they get a
10 ticket for fishing in federal waters until this thing is
11 ratified through Congress.

12 MR. BOSARGE: Do we need a motion out of this
13 commission, maybe basically saying that? You know, just to
14 reinforce that while we would love to have the three marine
15 leagues, it's still federal waters right now, and we don't have
16 the authority to --

17 MR. RUNNELS: I don't want to get crosswise on
18 the legislature. They've spoken. The bill is what the bill
19 is. Whether or not some other entity recognizes it is a whole
20 nother matter.

21 But you're absolutely correct that there is a
22 distinct possibility that Mississippi residents fishing in this
23 extended area could be issued citations from other regulatory
24 entities, even the Coast Guard. There are joint enforcement
25 agreements that we are members of, that Alabama is, that

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1 Louisiana is. And so this -- I mean, the bill says what it
2 says. But that doesn't mean that you can rely on that to fish
3 within the community.

4 MR. BOSARGE: Would you be willing to work on
5 that between now and the next meeting where we could create
6 something that...

7 MR. RUNNELS: I would be glad to do that.

8 MR. GOLLOTT: What about getting the director to
9 just put this in the paper, where the federal government says
10 they're going to write tickets if they catch someone.

11 MR. RUNNELS: I think the federal government is
12 posting this in the paper, but we can probably reinforce that.
13 And they're broadcasting this from some point in Florida to
14 some point in Texas I believe.

15 MR. TAYLOR: I was at a Fishing Banks meeting
16 Wednesday. The Coast Guard was brought up. And the Coast
17 Guard guy was there. They are enforcing. He said they are.
18 And they are looking for it.

19 And I can tell you something else they're doing.
20 They're flying drones over the Gulf, DEA and all, and they're
21 actually catching people snapper fishing, you know, out of
22 season.

23 MR. MILLER: Let me just make one comment. We
24 have had discussions amongst the staff and the potential
25 confusion that this legislation may create amongst the

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COMMISSION ON MARINE RESOURCES

COURT REPORTER'S CERTIFICATE

6 I, Norma Jean Ladner Soroe, Certified Shorthand
7 Reporter, do hereby certify that to the best of my skill and
8 ability I have reported the meeting of the Commission on Marine
9 Resources and that the foregoing 82 pages constitute a true and
10 correct transcription of said meeting held on the 16th day of
11 April 2013.

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

16 Witness my signature this the 8th day of May 2013.

21 NORMA JEAN LADNER SOROE, CSR #1297
22 Certified Shorthand Reporter

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1 fishermen. We will do our best to reach out to educate people
2 about what the -- how we will enforce the law. And
3 effectively, without getting into too much detail, this
4 legislation from my understanding, I spoke with Representative
5 Urie yesterday, was in reaction to some similar thing that had
6 happened in Louisiana, and we were trying to protect ourselves.

7 But ultimately, Congress will have to weigh in.
8 So bottom line is, our enforcement will not change at all from
9 before to when this legislation will become effective. But we
10 are going to do the best job we can to make sure everybody
11 knows what that looks like through outreaches, the paper, and
12 we'll do some direct mail and direct phone calls, as well. So
13 we'll have a report about those efforts in the next meeting.

14 MR. TAYLOR: Thank you.

15 Okay. We now have other business.

16 M. Other Business

17 MR. GOLLOTT: Mr. Chairman, I'd like to make a
18 motion that we go into closed session to determine the need to
19 go into executive session to consider personnel matters.

20 MR. TAYLOR: We hae a motion. Do we have a
21 second?

22 MR. BOSARGE: I'll second.

23 MR. TAYLOR: Second. All in favor. Opposed.

24 Passes unanimously.

25 (Off the record 11:15 a.m.)

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