

# *Compressed Transcript*



COMMISSION ON MARINE RESOURCES

## COMMISSION MEETING

August 20, 2013

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1 COMMISSION ON MARINE RESOURCES  
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3 MEETING OF COMMISSION ON MARINE RESOURCES  
4 August 20, 2013  
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7 TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT  
8 BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW  
9 AVENUE, BILOXI, MISSISSIPPI, ON THE 20TH DAY OF AUGUST 2013  
10 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER  
11 SOROE, CERTIFIED SHORTHAND REPORTER.  
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14 COMMISSION MEMBERS PRESENT:  
15  
16 JIMMY TAYLOR, Chairman  
17 RICHARD GOLLOTT  
18 SHELBY DRUMMOND  
19 STEVE BOSARGE  
20  
21 ALSO PRESENT:  
22  
23 JAMIE MILLER, Director DMR  
24 JOSEPH R. RUNNELS, ESQ., Asst. Attorney General  
25 SANDY CHESNUT, ESQ., Asst. Attorney General

1 MR. TAYLOR: All those in favor. Passes  
2 unanimous.  
3 D. Public Comments  
4 MR. TAYLOR: Okay. Next on the agenda is public  
5 comments. If you wish to speak, please give Jennifer the form  
6 and then come forward, and I will call you individually.  
7 Okay. I see no one wants to speak. Okay.  
8 And we normally limit the time to three minutes.  
9 So anyway, let's see. This is Mr. James Miller, and he wants  
10 to talk about reinstating a license.  
11 MR. MILLER: Yes, sir. How y'all doing? Good  
12 morning. My name is James A. Miller, ak Catfish. I been a  
13 fisherman all my life, about four years old on this Gulf Coast.  
14 I'm in the restoring, seeing the oyster reefs come back alive  
15 here one day in my life before I get too old.  
16 But I been having some issues with some DMR  
17 agents that's been giving me tickets after tickets after  
18 tickets after Hurricane Katrina since Bill Walker's been in  
19 office.  
20 I just finally went to court after about five or  
21 six years after they all bundled them together like the  
22 pickers. And they took my license for a year.  
23 I'm very disturbed. And I was abused and beat  
24 up pretty good by some officers. I got some videotape of all  
25 this. A couple of the officers lied pretty good. And I'm very

1 A. Call to Order  
2 MR. TAYLOR: I know that some of y'all want to  
3 speak, and we have time set aside for you. But you need to  
4 fill the form out in the back and give it to one of our team  
5 members so they can bring it up so we can recognize you. When  
6 you come to the mic, please state your name so that we can know  
7 who you are really. Okay?  
8 B. Approval of Minutes  
9 MR. TAYLOR: First object on the agenda is  
10 approval of the minutes of July 16. Are there any changes?  
11 Do I have a motion to approve them?  
12 MR. DRUMMOND: So moved, Mr. Chairman.  
13 MR. GOLLOTT: Second, Mr. Chairman.  
14 MR. TAYLOR: All those in favor. Approved.  
15 C. Approval of Agenda  
16 MR. TAYLOR: The next item is approval of the  
17 agenda. Are there any changes to the agenda?  
18 MR. MILLER: Mr. Chairman, I have one request  
19 that we remove Bobby Fairley from the administrative penalties  
20 section of my report. He will report to the commission in  
21 September.  
22 MR. TAYLOR: Do I have a motion to change the  
23 agenda?  
24 MR. GOLLOTT: So moved.  
25 MR. DRUMMOND: Second the motion.

1 disturbed in court. Our lawyers are. And I was charged, and  
2 they took my license away for a whole solid year. That means  
3 there's no revenue for Mississippi from The CAPTAIN QUENTIN.  
4 There's no tax dollars from the revenue from The CAPTAIN  
5 QUENTIN. I don't pay Social Security from this money. I'm  
6 losing all the way around. And I don't understand why am I  
7 being punished for Dr. Walker's actions that he done that I  
8 solely went after him a lot for.  
9 And, you know, it was for a reason because he  
10 was misspending our funds. And I spoke for all fishermen, not  
11 for myself, honestly. And he took my license just like taking  
12 a letter out of a mail box. And I think I've been unfairly  
13 treated. My rights has been abused. And I love to show the  
14 transcripts, the videotapes, of what happened these days, and  
15 it would be amazed to you because I used video footage and  
16 stuff. And I'm sorry that our agents can't be a little bit  
17 more respectable to our fishermen out there than what they are  
18 because they was put on me, I think I been singled out because  
19 I got a big mouth.  
20 I got a big mouth for a reason because I want to  
21 restore our Gulf Coast. I want to put this BP money that we're  
22 going to get in the right areas, not up here on land. We need  
23 some structure in our waters, oyster reefs, you know. Plenty  
24 of things out there can be restored, not just things on land.  
25 And I talk for all of us. And I'm sorry, I want

1 this commission to review this, and I know you got the power to  
2 reinstate my license because I shrimp in Alabama, Louisiana,  
3 and I ain't never got a ticket in my life in any of these other  
4 states. I've trolled. I've oystered. I've gill netted. And  
5 I'm disturbed. I make my living like this. And I ain't a  
6 lawbreaker. Lawbreakers continue breaking the law every time  
7 they turn around.

8 And something is wrong here. And the public, if  
9 I got to come to the Daily Herald to disclose this stuff -- and  
10 I'm here -- y'all need to reinstate my license and think about  
11 it. There's a lot of wrongdoings here, you know.

12 And I might have said a few things to your  
13 officers back there. But I've had enough of them. There are  
14 some people out here that I'm just overwhelmed of.

15 I think that this board needs to take in  
16 consideration to reinstate my license, please. You know, if  
17 not, I'm going to the next level. And I got everything I need  
18 to go to the next level, you know. And why I want to go there.  
19 I live here. I fish here. And it just amazes me. Since I  
20 been four years old, I've never had a ticket to 2006 when Dr.  
21 Bill Walker sat up here where you are, Mr. Taylor, and I  
22 started telling him about our Katrina money he was  
23 misspending. And I'm sorry that I don't want to bring up bad  
24 things, but I'm disturbed, y'all.

25 I'm 47 years old and wondering why they're

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1 taking my license away for a solid year. And it's like telling  
2 a cropper he can't grow crops. It's going to kill me, you  
3 know, on opening day of shrimp season. I make a \$15,000 trip.  
4 I'm a hammer. Go look at the records. And I get fuel here,  
5 ice, groceries, lube, and then y'all went to send me to another  
6 state to spend my revenue there. I just don't understand it.  
7 I truly don't.

8 Y'all say I assaulted y'all's officers. They  
9 all lied, man. I didn't. The video will reflect itself. Wow.  
10 I'm sorry. Mr. Richard, how you doing today? I'm sorry. We  
11 need to take -- Shelby, y'all need to take in consideration,  
12 Bosarge, take in consideration what I'm asking y'all, you know.  
13 Because I'm disturbed, man. I really am.

14 And I'm sorry I'm up here today complaining  
15 about my license being taken away, but I think I've been  
16 singled out. And I'm done. I spoke for the fishermen so many  
17 times, and it's come back to get me politically and personally,  
18 you know.

19 And I talked to some important people, and it's  
20 just personal. I love y'all, and y'all have a nice day, man.

21 MR. TAYLOR: Thank you, Catfish.

22 I have one question for you because this is the  
23 first I think any of us have heard. Did a court take your  
24 license in the court, or did an administrative action?

25 MR. MILLER: No, sir, the Court did August 10,

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1 a judge did.

2 MR. TAYLOR: Okay. I, you know, can't make any  
3 promises other than we will look at it.

4 MR. MILLER: I grant y'all, y'all have the  
5 power, I promise you.

6 MR. TAYLOR: Well, I don't know.

7 MR. MILLER: I know you do.

8 MR. TAYLOR: But I promise you we will look at  
9 it.

10 MR. MILLER: I been working on it. I been  
11 scratching my head looking at it, trust me.

12 MR. TAYLOR: Okay. Thank you.

13 Okay. Next up is office of marine patrol.

14 Oh, no, I'm sorry. Executive director's report.

15 That's what happens when you don't wear your glasses.

16 E. Executive Director's Report

17 MR. MILLER: Thank you, Chairman.

18 Before we get to the administrative penalties,  
19 there's one or two announcements I wanted to make.

20 First, I'd like to recognize one of our staff,  
21 Jeff Davis, who works in our office of marine fisheries seafood  
22 technology bureau.

23 Jeff recently earned his Master's degree in  
24 biology from the University of St. Joseph in West Hartford,  
25 Connecticut. He carried a 3.9 GPA. And Jeff was able to take

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1 advantage of the department's educational leave and assistance  
2 program which is available to all our employees that pursue  
3 higher education.

4 So I just wanted to recognize him and make sure  
5 that y'all know that we've got staff here that are trying to  
6 better themselves through education that makes them a better  
7 employee and a better person.

8 The next if there's no objections, I'd like to  
9 request that we host the October CMR meeting in Jackson County  
10 at the NERR facility. The NERR is a facility operated and  
11 managed by the DMR through a cooperative agreement with NOAA.  
12 And I think it's a good opportunity to move the commission  
13 meeting to another county to reach out to other parts of the  
14 coast and also see a fantastic facility that we have and invite  
15 public and others to be there in October.

16 So if there's no objection, I'd like to plan in  
17 that direction.

18 MR. TAYLOR: Do we need a motion?

19 MR. MILLER: I don't know that we need a motion,  
20 but --

21 MR. GOLLITT: Mr. Director, I think that's a  
22 great idea. I think we should have at least one meeting in  
23 each one of the counties, Harrison and Hancock, at least once a  
24 year. I'll make a motion that we do that.

25 MR. TAYLOR: Do we have a second?

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1 MR. DRUMMOND: I'll second the motion, Mr.  
 2 Chairman.  
 3 MR. TAYLOR: All those in favor. Passes  
 4 unanimous.  
 5 DR. MILLER: Thank you.  
 6 And then the final announcement, I just wanted  
 7 to hold a document up which is this is the Mississippi  
 8 Department of Marine Resources Fiscal Year 2015 budget request.  
 9 And this document is the result of a lot of hard work from our  
 10 staff that we have recently submitted to the state and will be  
 11 going to Jackson here soon to talk with our legislative budget  
 12 committee and DFA and others. But we wanted to make this  
 13 document public. It's hot off the presses. But we've made  
 14 about 50 copies available to whomever if they want to take a  
 15 copy on their way out.  
 16 We also can make a copy available to you in  
 17 digital format if you request that.  
 18 But we wanted to make sure that everybody was  
 19 aware of our budget and how we operate with the state and the  
 20 request that we have made for the next fiscal year.  
 21 So with that being said, we can move into our  
 22 administrative penalties part of the agenda. Sandy Chesnut  
 23 will be leading that through a Power Point presentation.  
 24 Thank you.  
 25 MS. CHESNUT: Good morning.

1 \$500 within 45 days of the commission's decision.  
 2 And I do believe that Mr. Nguyen is here, and  
 3 I'll see if he would like to address the commission now.  
 4 MR. NGUYEN: My name is De Nguyen.  
 5 MS. DANG: My name is Mi Dang. I will be  
 6 helping interpret for Mr. Nguyen today.  
 7 He say he doesn't know what to say about the  
 8 violation.  
 9 MS. CHESNUT: Well, we'll proceed forward then.  
 10 The commission may accept the executive  
 11 director's recommendation. They may reject it. Or they may  
 12 modify it upon a motion.  
 13 And the recommendation is here again.  
 14 MR. TAYLOR: Do we need to do each one now?  
 15 MS. CHESNUT: Yes, just go ahead and...  
 16 MR. TAYLOR: Do I have a motion?  
 17 MR. BOSARGE: Yeah. I'll make a motion that we  
 18 accept the executive director's recommendation.  
 19 MR. TAYLOR: Second? Do I have a second to the  
 20 motion?  
 21 MR. DRUMMOND: I'll second the motion.  
 22 MR. TAYLOR: All those in favor. Passes  
 23 unanimous.  
 24 MS. CHESNUT: Okay. The next matter is Sony  
 25 Nguyen, Cause Number 092312-02. The charges are possession of

1 The first administrative penalty we have on the  
 2 agenda is De Nguyen, Cause Number 082312-01. And the charge is  
 3 possession of red snapper during closed season.  
 4 Officers conducted a compliance check of a  
 5 commercial shrimping vessel in the Gulf of Mexico and found one  
 6 red snapper hidden under the door rack on the starboard side,  
 7 one on the door rack on the port side, and one laying under a  
 8 net on the deck.  
 9 They also found what appeared to be red snapper  
 10 skins and scales in a garbage can inside the trawler's cabin.  
 11 The captain of the boat, De Nguyen, was issued a  
 12 citation, Number 0379, for possession of red snapper during  
 13 closed season.  
 14 No response to the citation was received. And  
 15 Mr. Nguyen did not request a settlement conference with the  
 16 executive director.  
 17 He was notified this matter would be presented  
 18 to the commission today. And all supporting documentation has  
 19 been provided to each commission member.  
 20 The executive director has found that the  
 21 allegations contained in the report Number 0379 have merit nd  
 22 that he recommends an administrative penalty be imposed against  
 23 Mr. Nguyen in the amount of \$1,000, with \$500 suspended,  
 24 contingent upon no new fishing violations being committed in  
 25 any jurisdiction for a period of two years and a payment of

1 red snapper during closed season and possession of undersized  
 2 lane snapper.  
 3 Officers conducted a compliance check of  
 4 commercial shrimping vessel in the Gulf of Mexico and found  
 5 five red snapper and one lane snapper in a refrigerator with  
 6 the tails, fins, and gills removed.  
 7 The lane snapper was seven inches long and  
 8 appeared to be undersized. DMR biologist Mike Buchanan  
 9 identified the red snapper and the lane snapper but could not  
 10 positively determine the length of the lane snapper.  
 11 The captain of the boat, Sony Nguyen, was issued  
 12 two citations, Number 0377 for possession of red snapper during  
 13 closed season, and 0378 for possession of undersized lane  
 14 snapper.  
 15 No response to the citation was received from  
 16 Mr. Nguyen, and he did not request an informal settlement  
 17 conference with the executive director.  
 18 He was notified that this matter would be  
 19 presented to the commission today, and all supporting  
 20 documentation has been provided to the commission members.  
 21 Based upon the documentation in the file, the  
 22 executive director found that the allegations contained in  
 23 Report 0377 have merit and recommends that the commission  
 24 impose administrative penalty against Sony Nguyen in the amount  
 25 of \$1,000 with \$500 suspended contingent upon no new fishing

1 violations being committed in any jurisdiction for a period of  
 2 two years and payment of the \$500 within 45 days of the  
 3 commission's decision.  
 4 And I don't know if Mr. Nguyen is here.  
 5 Sony Nguyen. No response.  
 6 The commission may accept, reject, or modify the  
 7 executive director's recommendation.  
 8 MR. TAYLOR: Do I have a motion to accept the  
 9 recommendation?  
 10 MR. BOSARGE: So moved.  
 11 MR. TAYLOR: Second?  
 12 MR. GOLLOTT: I'll second.  
 13 MR. TAYLOR: We have a motion. All those in  
 14 favor. Passes unanimously.  
 15 MS. CHESNUT: Okay. The next case is Russell  
 16 Howard, Cause Number 110812-01, Christopher Howard, Cause  
 17 Number 110812-02, Emmanuel Bryant, Cause Number 01821-03.  
 18 The charges are possession of red snapper during  
 19 closed season and possession of undersize red snapper.  
 20 Compliance check of a recreational vessel near  
 21 the Biloxi east channel in the Gulf of Mexico revealed 29 red  
 22 snapper in a plastic container in the back of the boat under  
 23 raincoats and other clothing.  
 24 All individuals in the boat were issued two  
 25 citations: possession of red snapper during closed season and

1 possession of undersized red snapper which is a minimum of 16  
 2 inches.  
 3 No response to the citations were received from  
 4 any of the individuals, and no one requested an informal  
 5 settlement conference with the executive director.  
 6 They were all notified to be present, that this  
 7 would be presented to the commission today, and the commission  
 8 members have all the documentation.  
 9 The executive director found that the allegation  
 10 contained in all of the reports have merit and recommends that  
 11 the commission impose administrative penalties against Russell  
 12 Howard, Christopher Howard, and Emmanuel Bryant in the amount  
 13 of \$1,000 each with five hundred suspended contingent upon no  
 14 new fishing violations being committed in any jurisdiction for  
 15 a period of two years and payment of \$500 within 45 days of the  
 16 commission's decision.  
 17 And is Mr. Bryant or Mr. Howard -- they are not  
 18 present.  
 19 MR. GOLLOTT: Mr. Chairman, let me say this.  
 20 Twenty-nine fish, and these people were -- knew exactly what  
 21 they was doing. I would like to make the motion that we charge  
 22 them \$1,000 apiece and not do the \$500 suspension, just \$1,000  
 23 apiece.  
 24 MR. TAYLOR: I wonder why -- and this is just a  
 25 comment -- you know, the limit is two snapper, and 29, that

1 would be 23 over the limit if it was open season. I don't  
 2 know.  
 3 MR. BOSARGE: It was closed season.  
 4 MR. TAYLOR: I know. If it were open season,  
 5 you know. So I kind of agree with Richard, although I don't  
 6 have a vote.  
 7 MR. BOSARGE: I agree with Richard, also.  
 8 MR. TAYLOR: We have a motion on the floor. Do  
 9 we have to wait for you to finish, Sandy?  
 10 MS. CHESNUT: No, you can go ahead.  
 11 MR. TAYLOR: We have a motion on the floor.  
 12 Motion and second. All those in favor. Passes unanimous.  
 13 MS. CHESNUT: Okay. The next matter is Arthur  
 14 Sutherland, Cause Number 031513-01. Bobby Fairley will be  
 15 considered in September. Calvin Washington, Cause Number  
 16 031513-03. And the charge is possession of red snapper during  
 17 closed season.  
 18 Compliance check of a recreational vessel at the  
 19 Yazoo Lake boat ramp revealed two red snapper in the right  
 20 forward fish box with a wire through their mouths and gills  
 21 tied to a five pound weight.  
 22 Mr. Sutherland, the captain of the boat, claimed  
 23 responsibility for the red snapper, stating that he had thought  
 24 they had thrown them back.  
 25 All individuals on the boat were issued

1 citations for possession of red snapper during closed season.  
 2 All individuals were notified this matter would  
 3 be presented to the commission at today's meeting.  
 4 At Mr. Sutherland's request, he did have an  
 5 informal settlement conference with the executive director on  
 6 August 2.  
 7 Mr. Washington provided a written response to  
 8 the charges indicating that he did not feel he was at fault in  
 9 the matter and that it was his understanding that Mr.  
 10 Sutherland forgot to use the snapper as cut bait and/or dispose  
 11 of them before arriving back at the dock.  
 12 Mr. Fairley will be considered later.  
 13 All supporting documentation has been provided  
 14 to the commission.  
 15 The executive director recommends that Arthur  
 16 Sutherland be issued an administrative penalty in the amount of  
 17 \$1,000 with five hundred suspended, and that Calvin Washington  
 18 be issued an administrative penalty in the amount of \$500 with  
 19 two hundred fifty suspended, again contingent upon no new  
 20 fishing violations being committed in any jurisdiction for a  
 21 period of two years and payment of the respective fines within  
 22 45 days of the commission's decision.  
 23 Mr. Sutherland is here today to address the  
 24 commission.  
 25 MR. SUTHERLAND: Hello. My name is Arthur

1 Sutherland.

2 I'm here not to deny the fact that we had two  
3 snapper on board. What I'm here to do is talk for Mr.  
4 Washington and Mr. Fairley mainly on their fines.

5 I'm the captain of the boat. They're fishing  
6 with me. I'm responsible for the fish at the end of the day.

7 In this particular case, we stopped in 120 foot  
8 area in an effort to try to catch some trigger fish and things  
9 that were open that day. We caught probably maybe 50 or 60  
10 snapper all released. Those fish were released. Any fish that  
11 was brought up in that shallow depth was released unharmed from  
12 what we know.

13 There's a notion that you can vent the fish --  
14 you guys are familiar with the venting process, right? -- that  
15 you can vent the fish. What we found through diving and  
16 watching these scenarios is we have a five pound weight that we  
17 take. It's got a wire with a slight bend in the wire. You can  
18 run that into the fish's gills, actually put it back on the  
19 fishing pole, run it back down the depth, and the fish tends to  
20 survive. We've seen it diving. It works really well. Right?

21 Because we were catching so many snapper in the  
22 120 foot range, we decided to push out beyond known snapper  
23 area. So we went deep dropping. Are you guys familiar with  
24 what deep dropping is?

25 We went deep dropping in 600 plus feet of water.

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1 alive.

2 So I told the guys, put the fish off to the  
3 side. When we get finished fishing here, we'll then move on to  
4 our next location, and we'll get rid of the fish there, and  
5 that way we don't attract sharks to our fishing at 786.

6 Put the fish in a side box. The fish weren't on  
7 ice. They were over there all day in a box that didn't have  
8 any ice in it. So I had no intentions of keeping the fish.

9 Right? I know the rules. I know the consequences of the  
10 rules. But at the end of the day, I told the guys when we came  
11 back in, they said, hey, you know, you still got the fish, the  
12 snapper. I said, you know what? That's my fault. Right?

13 It's my fault. I'm not throwing them back right now. I made a  
14 mistake. It's my responsibility. I will pay the fine, and  
15 I'll carry on with my fishing life. Right? That was kind of  
16 the plan.

17 I saw no reason for the fish to come to surface,  
18 be thrown back, once I brought them from 80 miles out all the  
19 way to right at the dock to say, oh, I broke the law, I'm going  
20 to throw them overboard. That makes no sense. Right?

21 So ethics told me I need to keep the fish. If I  
22 get a ticket, I get a ticket. That's just the way it was.  
23 Right?

24 So those guys, I pulled up to the dock. The  
25 CAPTAIN CRUNCH and two officers pulled in behind me, did the

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1 Theoretically, there's not supposed to be any snapper there.  
2 What happened was, we were doing fairly well. We had a limit  
3 of snowy grouper -- I say limit -- a single man limit of snowy  
4 grouper. We had a couple of yellow-edge snapper. I'm sorry.  
5 Yellow edge grouper that were on board. We had a few other  
6 miscellaneous deep water fish that came and went.

7 But while we were in 620 feet of water or so, it  
8 was at the Main Pass 786, we actually deep dropping in that  
9 that water reeled up on electric reels, we reeled up two  
10 snapper that came on board. Their bladders were out of their  
11 mouth, and the gills were kind of busted, and all the scales  
12 were popping off of the fish. Right? Obviously dead. They  
13 were not flopping or anything when we got to the surface. No  
14 different than the grouper that we brought up on the same  
15 depth. Right?

16 So my decision was, guys, there's sharks  
17 everywhere. One of the problems with deep dropping is sharks.  
18 Right? Let's not throw the fish back over right now. Let's  
19 keep them on board. I'll throw them back when we move away  
20 from the rig and finish fishing this particular rig.

21 We took the fish. Again, we tried to release  
22 them but really, the five pound weight, it was a useless cause.  
23 Right? I mean, at the end of the day, you can't -- when you  
24 pull a fish up from that deep, he's not going to live. Right?  
25 I've never pulled a fish up from that deep of any type that was

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1 search, and really the search was very -- for me it should have  
2 been inconsequential. The fish were there. There was no doubt  
3 that the fish were there. But it turned into an interrogation  
4 on my side and really a character interrogation from what I  
5 thought at the end of the day.

6 I had two fish. I didn't try to hide the fish.  
7 I put the fish on the deck and said, look, I forgot about them.  
8 I forgot they were there and when it was time to throw them  
9 overboard, I decided not to. Right? I wasn't going to throw  
10 them overboard when I knew I had brought them in 80 miles. And  
11 please, it's a citation, give me a citation, I will pay the  
12 fine, it's not a problem.

13 Then we proceeded on to go into some things that  
14 were in the report if you guys want to get into that. But at  
15 the end of the day, I thought the -- I was actually written up  
16 for two different citations on that day. I was written up for  
17 a yellow-edge grouper possession and a red snapper possession.  
18 And the officers got a little perturbed at me because I  
19 wouldn't sign the form for the citation because I knew that  
20 yellow-edge grouper was not out of season. It was in season.  
21 Yellow-edge grouper and snapper on the same citation, I  
22 wouldn't sign it.

23 There's a reason I wouldn't sign it because I  
24 knew that it was wrong. Right? Of course, that created some  
25 conflicts between me and the officer. It wasn't anything that

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1 got -- he did or anything. It was just a debated conflict. We  
2 ended up agreeing after him talking to his superior, I guess,  
3 he crossed it out. We initialed the yellow-edge grouper as not  
4 being a citation. And we carried on from there.

5 There were also some other issues about my boat.  
6 On the side of my boat, on the electronics box, I have a  
7 Customs sticker, a registration sticker, obviously, and a RFA  
8 sticker for the Recreational Fishing Association that I'm a  
9 member of.

10 I was accused of being a charter captain.  
11 Right? And I don't know if that led into the reason I was  
12 targeted or not. This was probably the fifth or sixth time,  
13 probably the fifth time that I have been pulled over and  
14 checked in maybe three months. No violations before that.  
15 Some of the things that I've been told before that, two times  
16 I've been pulled over for fishing violations or to check my  
17 boat for fish, it was me and my dog riding up and down the  
18 river. Right? And I was pulled over for fishing violations.

19 So I have a fairly high exposure on some  
20 websites, I have some fairly high exposure within the RFA. And  
21 I have fairly high exposure because my boat is a 31 foot  
22 Yellowfin with 2300 Suzukis. It's a fishing machine. Right?  
23 We fish a lot. We fish a lot. Me and my friends fish a lot.

24 Again, one of the things -- the main thing that  
25 I'm here for is so that my friends, Bobby and Calvin, will go

1 MR. GOLLOTT: Mr. Chairman. Sandy, would you  
2 bring back the penalties on this, what you're recommending?

3 MS. CHESNUT: The recommended penalty against  
4 Arthur Sutherland was the amount of \$1,000 with five hundred  
5 suspended, and Calvin Washington in the amount of five hundred  
6 with two fifty suspended, contingent upon no new fishing  
7 violations and payment of the fine.

8 MR. GOLLOTT: Mr. Sutherland clearly said that  
9 he gambled and he lost. He gambled bringing the fish in. He  
10 knew it was illegal, and what difference does it make if the  
11 fish are dead, whether you throw them out there and the sharks  
12 eat them or you throw them away in the beach.

13 My motion is to let Mr. Sutherland pay the \$1500  
14 without suspending any of the fines. If he wants to take the  
15 responsibility, let him pay for it. That's my motion.

16 MR. TAYLOR: Do we have a second?

17 MS. CHESNUT: You are imposing fifteen hundred  
18 against Sutherland and dismissing against Washington and  
19 Fairley?

20 MR. GOLLOTT: There's two other ones?

21 MS. CHESNUT: Well, we didn't consider Fairley  
22 today because he couldn't be here, but if you want to dismiss,  
23 I'm sure he wouldn't have a problem with that.

24 MR. GOLLOTT: Okay. Let me modify my motion.  
25 My motion will be \$2,000 for Mr. Sutherland. That's my motion.

1 fishing with me again. Right? Because of the mistake that I  
2 made, they're kind of inconsequential about going fishing with  
3 me again. They don't want to go because of the targeting of my  
4 boat. They don't want to be involved in that.

5 So all I'm asking really is the character side  
6 of the case that was presented is not my side of the story.  
7 There were other issues that happened that night. It was 7:30  
8 at night, and I left there a little after nine o'clock for two  
9 snapper that I did not try to hide. Right? So it was an hour  
10 and a half of interrogation.

11 I asked the officers, one of the officers had  
12 black tennis shoes. When he came on the boat, I asked him  
13 please don't come on my boat. The reason why had nothing to do  
14 with the violation. It had everything to do with when you walk  
15 on a white gel coat boat with black shoes, it leaves black  
16 marks everywhere. And they're very hard to get off. So I just  
17 nicely asked him not to come on the boat. Right? If you need  
18 anything, I'll get it. The other officer was on the boat. So  
19 I think there was some conflict there, too.

20 But in the end, again, my issue is I'm not  
21 denying that we had two fish. It's my responsibility. I'm the  
22 captain. Mr. Fairley and Mr. Washington were not responsible.  
23 And I'm here for them to say I'm more speaking for their  
24 violations to be resolved than mine.

25 MR. TAYLOR: Thank you.

1 If he wants all responsibility, let's give him all the fine.

2 MS. CHESNUT: Arthur Sutherland, \$2,000 fine,  
3 and the fines against Calvin Washington and Mr. Bobby Fairley  
4 will be dismissed. Is that correct?

5 MR. GOLLOTT: Right.

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

8 MR. BOSARGE: Yes, I'll second that motion.

9 MR. TAYLOR: All those in favor. Passes  
10 unanimous.

11 MS. CHESNUT: That concludes the administrative  
12 penalties.

13 MR. TAYLOR: Sandy, Bobby will not need to come  
14 before the commission next month; is that correct?

15 MS. CHESNUT: He will not, no.

16 MR. TAYLOR: Okay. Y'all will notify him?

17 MS. CHESNUT: Yes.

18 MR. CATFISH MILLER: Mr. Chairman, can I make a  
19 comment, please?

20 MR. TAYLOR: Not right now.

21 Next up we have office of marine patrol, Rusty  
22 Pittman.

23 F. Office of Marine Patrol

24 1. Report on Citations

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

1 commissioners, Director Miller, Ms. Chesnut.  
2 We have two items for you today.  
3 The first one we'll do will be on the report of  
4 citations. The second item which is a no wake zone for your  
5 consideration in Parkers Creek, and Lieutenant Patrick Levine  
6 will bring that before you.

7 If you notice on our report on the citations,  
8 again we had a lot of no saltwater fishing license. We had a  
9 total of 64 for the month. Still having a hard time getting  
10 people to understand that they must have a saltwater fishing  
11 license to fish in state waters.

12 MR. TAYLOR: Rusty, were a lot of these during  
13 the jubilee that occurred?

14 MR. PITTMAN: On the saltwater fishing license?

15 MR. TAYLOR: Yes, sir.

16 MR. PITTMAN: The ones that's dated 6/30, June  
17 30th, would be the ones.

18 And then on the small and undersized and  
19 oversized -- excuse me -- over the limit fish --

20 MR. TAYLOR: Would be the same date?

21 MR. PITTMAN: -- would be the same date, 6/30.

22 And if you remember, at the commission meeting  
23 last month, we did say that it did get out in the media to  
24 everybody to make sure you had a fishing license and went by  
25 your limits and your size if you were going to pick up the

1 Creek.

2 We have a slide here. We went out with a couple  
3 other officers, Officer Carron, Officer Elmore, to look at the  
4 location.

5 You can see right there south of Interstate 10,  
6 you can see the boat launch, and meandering through to the  
7 river the Harrison County Board of Supervisors ask from the  
8 boat launch to Point A that we would put in a no wake zone.

9 We looked at two different recommendations when  
10 looking at the scene. First of all, from Point B, it took a  
11 little over five minutes, as you can see on the paperwork, idle  
12 speed from the boat launch south of Interstate 10 to Point B.

13 If you go to Point A at the mouth of the river,  
14 you find it takes a little bit over seven minutes to idle from  
15 the boat launch.

16 Now, some of the things that we discovered when  
17 going out there, there's a lot of residential area and camping  
18 area around Parkers Creek, and that's some of the concern  
19 coming from the Harrison County Board of Supervisors. It's  
20 hard to see in this photo, but right here by these camp areas,  
21 they have swim ladders and swim platforms.

22 It's been said and has been checked and  
23 documented by officers that there are some boats that are  
24 running in here. There's a lot of blind spots due to these  
25 corners that are coming in.

1 fish.

2 Boat and water safety violations, still had  
3 several boat and water safety violations this past month.

4 And then in the boat accidents, we had one  
5 fatality -- actually two fatalities, one at Horn Island and  
6 another one at Gulfport Lake. The one at Gulfport Lake was  
7 involving a tubing accident. We had one accident with -- three  
8 accidents, with injuries with one. Then we had a fatality on  
9 the water accident where individual was found at Deer Island --  
10 excuse me -- Cat Island, and the cause of death is unknown at  
11 this time.

12 We had no JEA patrols last month.

13 And that's all the report.

14 MR. TAYLOR: Thank you, Rusty.

15 Any questions?

16 Okay. Next up is --

17 MR. PITTMAN: Lieutenant Patrick Levine will be  
18 up to present the no wake zone.

19 2. Report on No Wake Zone, Parkers Creek

20 MR. LEVINE: Good morning, commission. My name  
21 is Patrick Levine here representing the office of boat and  
22 water safety.

23 On July 11, 2013, I received a notice from  
24 Harrison County Board of Supervisors asking me to present to  
25 the commission the establishment of a no wake zone at Parkers

1 There's swim areas here, and there's boats that  
2 are tied at recreational areas. These are not commercial  
3 vessels, and these are not marinas, but these are private  
4 individuals who have their vessels there, and there's  
5 individuals that are running up to the launch at Parkers Creek  
6 to dock their vessel.

7 There's a narrow channel with sharp turns  
8 causing blind spots. You can notice more docks. There's lots  
9 of camping areas that are around there, both to the east and  
10 west of Parkers Creek. And so there's concern about the  
11 individuals swimming in there that as these boats come into  
12 dock and as they go out that they could hit swimmers.

13 Another thing that's a concern to some of the  
14 property owners is the wake that has caused, most of the  
15 channel, the average width of Parkers Creek at mean low tide  
16 would be approximately 30 yards wide. It's a very narrow  
17 channel going through there. And so property erosion was a  
18 concern.

19 Recommendations. The commission could choose to  
20 accept, deny, or modify anything presented today on behalf of  
21 the Department of Marine Resources and marine patrol boat and  
22 water safety. But the recommendations, one could be not to  
23 establish a no wake zone. There are no confirmed accidents  
24 that we've been able to find and research of previous boating  
25 accidents in that area.



1 There is the concern about operators operating  
2 vessels at an excessive speed within 100 feet of no wake zones.  
3 And so Option 1 would be going to the mouth of  
4 the river, as what the Harrison County Board of Supervisors  
5 presented, from the boat launch to the mouth of the  
6 Tchoutacabouffa River.

7 The second option could be to the lake just  
8 inside, which would be Option B.

9 And then another option would be to deny the  
10 motion from Harrison County Board of Supervisors.

11 If it were to pass, we would present back to the  
12 Harrison County Board of Supervisors that they would be  
13 responsible for providing the signs, the maintenance of the  
14 signs, and presenting that at the channel for the no wake zone.

15 That is the motion.

16 MR. TAYLOR: Patrick, couple of questions.

17 One, what is y'all's recommendation?

18 MR. LEVINE: My recommendation, being that it's  
19 seven minutes 47 seconds to the mouth of the river, and as you  
20 can see in the packet you're provided, there's been quite a few  
21 people, and this has been an ongoing concern, there are -- I  
22 have concerns with the swimming areas and knowing that kids are  
23 out there swimming, and if there are people operating vessels  
24 at excessive speeds and they come around that corner,  
25 thankfully we've never had a boating accident.

1 zone that was established several years ago.

2 MR. TAYLOR: Okay.

3 MR. GOLLOTT: Mr. Chairman, I'm very familiar  
4 with this area. I fish it quite a bit in the wintertime.

5 I have two concerns.

6 Down to Point B, I don't have a problem. I've  
7 always idled down through there, and that's where you're  
8 talking about the sharp turns and the blind spots.

9 The other concern I have is are we setting a  
10 precedent here? I mean, we have turned so many wakes down on  
11 the Tchoutacabouffa and these rivers in Hancock County and  
12 everything. If you start down this road, are we going to have  
13 so many people, you know, everybody wants a no wake zone in  
14 front of their homes.

15 So I don't have a problem with from the boat  
16 launch down to Point B. But I don't think we should take it  
17 out to Point A.

18 Thank you.

19 MR. BOSARGE: And my question, also, was what is  
20 between Point A and Point B? In other words, are there homes?  
21 Are there camps? Or is it just -- by what you have presented  
22 here, it appears that between Point A and Point B is really  
23 nothing.

24 MR. LEVINE: Yes, sir, that is correct. If you  
25 notice where the river turns, you do have a house and a dock on

1 Is there a huge risk there? There is. There is  
2 a risk.

3 The difference between two minutes going in and  
4 out of the lake, if you've ever gone out of the lake there at  
5 Parkers Creek going into Tchoutacabouffa, if you're coming out  
6 of there, there is a blind spot going back where the river  
7 turns to the northeast, and it's hard to see coming out of  
8 there.

9 So my recommendation would be the seven minutes  
10 47 seconds at Point A, Option A, and making it a no wake zone,  
11 allowing Harrison County to be responsible for the maintenance  
12 of those signs. It would make it easily enforceable for the  
13 officers in that area. It would be clearly marked. There's a  
14 lot, a lot, of transient individuals there that may not be  
15 familiar with swimming around boating traffic, being that we  
16 have a campground right there, and there's a lot of campers in  
17 that area.

18 So my recommendation is to go with Option A.

19 MR. TAYLOR: Joe or Sandy, would we be -- since  
20 this is not public, but is private property, would we be  
21 setting a precedent, or do we need to research it?

22 MS. CHESNUT: I think we've done this before in  
23 other areas. Rusty, I think, is familiar with another area  
24 we've already done this in.

25 MR. PITTMAN: Diamondhead Canal has a no wake

1 the point. Between Point A and Point B there are not many  
2 residents along there.

3 My only concern with Point A is when an  
4 individual comes out of here, if somebody is operating a vessel  
5 at a high rate of speed, whenever they make this corner, you do  
6 have to turn and look back this way. If there's a vessel  
7 coming from the north coming in, those vessels leaving the boat  
8 launch at an excessive speed, the concern would be for a  
9 boating accident right here at Point A, being that it is a  
10 blind spot. It's hard to see. If you're idling, you're okay.

11 But the concern here is the vessels that are  
12 operating at an excessive speed.

13 MR. TAYLOR: Sandy, is it something that we need  
14 to maybe table and look at, you know, if it would be setting a  
15 precedent or something? I know that Diamondhead, you said, has  
16 that. But, you know, I know we do get a lot of requests for no  
17 wake zones.

18 MS. CHESNUT: We can certainly table it and look  
19 back through all of our other no wake zone requests and see if  
20 this is different somehow. That's not a problem.

21 MR. GOLLOTT: Mr. Chairman, I don't see a  
22 problem here. Let me make a motion, and we'll see how  
23 everybody goes with it.

24 Let's make the motion that we make a no wake  
25 zone from the boat launch down to Point B. I'm very familiar

1 with this whole area in here. From A all the way around, I  
2 mean, the blind spots, the river is full of blind spots. I  
3 mean, you just have to be careful, and most people are.  
4 So let me make that motion and see if it will  
5 work.

6 MR. TAYLOR: We have a motion. Do we have a  
7 second?

8 MR. BOSARGE: Yeah, I'll second that motion.

9 MR. TAYLOR: All those in favor. Passes  
10 unanimous.

11 Thank you, Patrick.

12 MR. LEVINE: Thank you, sir.

13 MR. TAYLOR: Next up, office of marine  
14 fisheries, Dale Diaz. And I see Dale is not here.

15 G. Office of Marine Fisheries

16 MR. JEWELL: Good morning, commissioners. Can  
17 y'all hear me? Dale sends his apologies. He's away attending  
18 a meeting on behalf of the Department of Marine Resources.

19 On the agenda, we have three items for your  
20 consideration today. But before we get started, there are a  
21 couple things I'd like to update the commission on.

22 We have been presenting in the last series of  
23 meetings quota updates for commercial fisheries.

24 For flounder, total landings right now is 9,734  
25 pounds. Of course, we have a quota of 74,000, so that leaves

1 The final projections will be received in mid  
2 August. If the quota is available, the official dates of the  
3 supplemental season will be announced in the final rules for  
4 this action.

5 So it does appear there will be a fall harvest  
6 of red snapper. But I would caution everyone to -- although  
7 the start date is October 1, the actual number of days that  
8 it's open is still open and that when the season does open they  
9 contact the NOAA website for the actual season.

10 MR. TAYLOR: Joe, one of the things that we have  
11 been hearing with the recreational fishermen is they might do a  
12 weekend only for the length of days.

13 MR. JEWELL: Yeah. The way it's put in the  
14 bulletin right now would be Friday, Saturday, and Sunday.  
15 Correct.

16 The third thing I wanted to update the  
17 commission on just briefly because we are in our preliminary  
18 assessments, we were made aware of the fish kill that occurred  
19 on Bayou Casotte yesterday. And the preliminary indications,  
20 we're still out evaluating the situation.

21 Department of Environmental Quality was on scene  
22 yesterday in coordination with some of our staff. They're out  
23 again today continuing their assessments, collecting field  
24 data. That it appears that because of the excessive rain that  
25 occurred earlier this week that there was some over-ponding of

1 just over 64,000 for the year.

2 For redfish, we've landed 24,758 pounds. With a  
3 quota of 35,000 pounds, that leaves just over 10,000 pounds.

4 And you're aware on August the 10th, we closed  
5 speckled trout season for the second portion. We are  
6 anticipated, we're right at 49,500 pounds. And there are some  
7 remaining data to go through for July and some of August, so we  
8 will likely go over a little bit but not much because we've  
9 implemented some more measures to get control of the closure of  
10 that and the pounds that are landed.

11 The next thing I'd like to bring to the  
12 commission's attention, because of the way the red snapper  
13 season fell out during the regular season year, NOAA is  
14 considering a winter harvest of red snapper recreationally.  
15 And that would technically take place on October 1.

16 I want to read to you directly a short quote  
17 from the Southeast Fisheries Bulletin that's published by NOAA,  
18 and it explains a little bit more about the season.

19 The 12 million pound increase to the  
20 recreational quota could allow for a supplemental red snapper  
21 recreational fishing season if unused quota is available.

22 The supplemental season would open on October 1,  
23 2013, and preliminary projections show the fishing could be  
24 supported for 21 days, but only if landings did not exceed the  
25 previous quota during the June season.

1 the Mississippi Phosphate facility out in that area.

2 And so the data is real preliminary. You've  
3 seen some reports in the news media here recently. And as soon  
4 as we have some more concrete data and have done some more  
5 analysis of that, we'll report back to the commission on that  
6 issue.

7 MR. BOSARGE: Joe, do you intend to come back to  
8 us at the next meeting with this data?

9 MR. JEWELL: We can do that or report directly  
10 to you. We typically, once we have a final assessment, come to  
11 the commission and report on that.

12 MR. BOSARGE: All right. Thank you.

13 MR. DRUMMOND: Joe, I'm not quite sure what  
14 you're talking about in the regulations for red snapper. Are  
15 you talking about a weekend fishery only when everybody voted  
16 for a weekly fishery? That's the way I understood it. After  
17 all, we have football season during October.

18 MR. JEWELL: I don't think that's going to go  
19 into the consideration for the season.

20 MR. DRUMMOND: I don't think it is, either.

21 MR. TAYLOR: If you went to Ole Miss.

22 MR. JEWELL: They're at the preliminary  
23 assessments in the establishment of the season. They do know  
24 that it's going to open on October 1. How and when is still  
25 debatable, and a lot of that is contingent upon evaluation of

1 the landed data so far. So it's still up for debate, and it  
2 will be published in the bulletin. What I'm reading in the  
3 current bulletin this morning was towards the end of August  
4 we'll know more concrete data on that.

5 MR. DRUMMOND: The next wave will come in at the  
6 end of August?

7 MR. JEWELL: They'll have evaluated all the data  
8 that is available and make a determination on how and when the  
9 season will be in October.

10 MR. DRUMMOND: Okay. Who's going to give you  
11 that?

12 MR. JEWELL: It will be posted on the Southeast  
13 Fisheries Bulletin on the NOAA website.

14 MR. BOSARGE: Shelby, as I understand it, it was  
15 going to be consecutive days and not weekly. Is that your  
16 understanding?

17 MR. JEWELL: Well, it still could be. You know,  
18 I can't comment on that. I do know that they had two, as Mr.  
19 Taylor indicated, there were two things that they were  
20 considering. And that will be posted on their August update  
21 when the evaluation of the landings data comes out.

22 MR. DRUMMOND: We talked to 96 locally  
23 recreational fishermen, and they wanted to do it on a weekly  
24 basis rather than on the weekend.

25 MR. JEWELL: When they typically do these

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1 typically go through -- we did a series of overflight  
2 inspections during the BP oil spill. There were 64 of them.

3 We did approximately 300 water samples. These  
4 primarily occurred in the island passes.

5 We had precautionary fishery closures. They  
6 started on June 1 with all the Mississippi Sound closed on  
7 August 21.

8 We established fisheries reopening protocol, and  
9 we eventually opened all the areas.

10 We conducted onsite dealer processors and retail  
11 inspections. There were 112 of those. They occurred  
12 throughout the State of Mississippi.

13 We attended public meetings. I myself attended  
14 over 100 of those in different formats.

15 We did press releases and interviews for the  
16 press. We have our seafood safety newsletter and brochure.  
17 It's located on our website. I'll give a little more  
18 information on how to get there.

19 And, of course, the seafood safety sampling  
20 program.

21 Today, we've collected 622 samples, 135 shrimp,  
22 118 crab, 235 finfish, and 134 oysters.

23 We do have some that are outstanding, a total of  
24 ten. We're waiting on results. Those usually come back on a  
25 monthly basis.

39

1 extended seasons, they are on consecutive days, you know. We'd  
2 anticipate that this time around.

3 MR. GOLLOTT: Joe, would you check with NOAA and  
4 get them to get the Ole Miss football schedule so they can work  
5 it out?

6 MR. JEWELL: I'll make sure that happens.

7 MR. GOLLOTT: Thank you.

8 MR. JEWELL: All right. Next up on the agenda,  
9 we have three items for your consideration. And the first one  
10 is a brief seafood safety update that I'll be presenting.

#### 11 1. Seafood Safety Update

12 MR. JEWELL: We've come before the commission on  
13 several occasions and presented the data and update for the  
14 Mississippi seafood safety sampling program. And so a series  
15 of these slides I'm going to put up for you consecutively are  
16 slides that we've presented before that pretty much everybody  
17 is aware of.

18 This is a list of our partners. We have done  
19 this program in conjunction with a lot of other help from a lot  
20 of other agencies. Our primary partners, of course, is  
21 Department of Environmental Quality and the Mississippi State  
22 Chemical Laboratory.

23 You've seen this slide before, and we've given a  
24 lot of detail in it. But this time around, I'm going to  
25 present this data to y'all in a little bit different format. I

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1 These are the set of chemicals that are  
2 associated with the BP oil spill that we test for, including  
3 DOSS which is an agent of the dispersant.

4 To date, no sample that we've collected has come  
5 back or is near the FDA established limit for those compounds.

6 So here's where I'm going to do the data a  
7 little bit differently.

8 This is a selection through June of 2013 that  
9 shows the samples that we've collected. Of course, as  
10 indicated, I put those in yellow. Those are the months that  
11 the areas were closed. And as you can see, those are the times  
12 that we most intensely sampled.

13 If you'll notice, there's a gap in December of  
14 2011. That was samples that were spoiled during shipment to  
15 Mississippi State Chemical Lab. It was over the Christmas  
16 holidays. And we chose not to sample those and risk  
17 contamination.

18 So as you'll notice from about December on,  
19 we've sampled anywhere between eight, ten, maybe 12 samples per  
20 month.

21 And I looked at these. I looked at collections  
22 by year. We did a total of 310 in 2010, which we expected  
23 because that was the year of the oil spill, 147 in 2011, and  
24 106 in 2012, and to date we've done 59, and we're on target to  
25 do about 106, 110 samples this year, also.

40

1 So again, you'll see on the bar graph, I've  
2 shown shrimp, oysters, crab, and finfish. The numbers are the  
3 samples that we've collected.

4 What we really need is about a quarter pound or  
5 a half a pound sample to constitute a sample that's shipped up  
6 to Mississippi State Chem Lab. So it wasn't that we collected  
7 135 shrimp, we collected a total of 135 samples, and they  
8 ranged between half and a quarter a pound.

9 And the same for oysters and blue crabs. While  
10 s shrimp we primarily have three main species, and the  
11 components of the sampling depending on what time of the year  
12 it was, you know, white, brown, or pink shrimp.

13 Oysters, we really have only one major species,  
14 ad the same with blue crab.

15 But finfish, we collected a total of 23  
16 different species. So I broke this up on two different graphs.  
17 YOU see the names of the finfish that we collected and the  
18 amounts of them that we collected. And a lot of those are  
19 inshore, but we also targeted offshore species, also, that were  
20 concern to the public.

21 We sampled around 23 different species so far.

22 And again, I wanted to show how the public can  
23 access this information. It's under the communications tool  
24 bar at the very top of the page. When you select  
25 communications, they'll have a drop down menu, and you select

1 and would like us to continue on sampling.

2 And that's all I have. Do you have any  
3 questions?

4 MR. DRUMMOND: Joe, Item 3. I do n't know  
5 exactly what that means.

6 MR. JEWELL: There were established levels of  
7 concerns early on in the program by the FDA. And so we send  
8 samples, the shrimp, crab, fish, or finfish, to the state  
9 chemical laboratory, and they test that. And they compare to  
10 that measure by the FDA level of concern.

11 And so no sample that we have taken met anywhere  
12 near that or exceeded that level of concern.

13 MR. DRUMMOND: So the level of concern is  
14 polluted stuff; right?

15 MR. JEWELL: Potentially contaminants from the  
16 BP oil spill, whether that be actually the petroleum product  
17 itself -- on the slide you saw there were eight or 12  
18 components that we're looking at -- or the dispersant, the key  
19 component dispersant that we're targeting, DOSS.

20 MR. DRUMMOND: Thank you.

21 MR. JEWELL: Are there any other questions?

22 Next on our agenda is the oyster reef  
23 cultivation report. Mr. Scott Gordon will be presenting that  
24 to you.

25 2. Oyster Reef Cultivation Report

1 newsletter. And then it's the very first one, Mississippi  
2 Safety Newsletter. So it's really just a couple of clicks.

3 The takeaway points I wanted to point out today.

4 The DMR has continuously sampled seafood since  
5 May of 2010.

6 The online seafood safety newsletter is the  
7 third highest accessed site on the DMR web page to date.

8 To date, no sample collected by DMR or DEQ has  
9 tested above FDA levels of concern.

10 The Mississippi seafood is safe and has always  
11 been safe to consume.

12 Just one final note I want to point out that the  
13 DMR from a very early point in the BP oil spill established a  
14 relationship with the public. They wanted to be very engaged  
15 in this process. They wanted access to the data. They wanted  
16 to be informed about how we were going about this process. The  
17 public is still very much engaged in this. They still access  
18 this data on our website. We get several phone calls a month  
19 about safety of the seafood. And occasionally, not often now,  
20 but occasionally the public will bring in a fish or a crab that  
21 they feel nervous about, and we'll select and sample that one,  
22 also.

23 So it's a very important program on behalf of  
24 the Department of Marine Resources and the commission, and it's  
25 an important program that the public is very well engaged in

1 MR. GORDON: Good morning, Mr. Chairman,  
2 commissioners, Director Miller, Counselor Chesnut.

3 I just wanted to go over quickly one of the  
4 restoration projects that we have been doing this spring, and  
5 it's the bagless dredge reef cultivation activities.

6 The objectives of this was to reduce the  
7 incidence of hook mussels, to redeposit hard shell and other  
8 substrate above areas of reef sedimentation. That's shells  
9 that's buried down in the mud. And the improvement of  
10 substrate surfaces. Cleaning off shells so oyster larvae can  
11 attach to it.

12 The hook mussels hae been a problem. It's  
13 Ischadium recurvum. They proliferate in low salinity areas.  
14 Our main reefs in the northwestern Mississippi Sound are ideal  
15 habitats. They compete with oysters for space. Thick clusters  
16 are a nuisance for harvesters, increasing culling time. And  
17 sometimes you'll see clusters of these come up, you know,  
18 soccer balls size, and they're so densely packed the  
19 harvesters, you know, have to knock those off, and it's a great  
20 deal of work.

21 This gives you some idea of what they look like.

22 And so one of the things that we've been trying  
23 to do is pull bagless dredges. That impacts live mussels by  
24 loosening the clusters and allowing for predators, such as blue  
25 crab, to access them easier.

1 The weight of the dredge itself can damage the  
2 mussels, as well.

3 And I really believe that the blue crabs prefer  
4 hook mussels. I saw a couple of years back we did some  
5 samples, and we put them back in the bay here. And I went out  
6 at lunchtime, and I noticed a blue crab that was working on one  
7 hooked mussel. He must have worked a half hour on that thing.  
8 He'd be on top of it and on the side, working on that thissel  
9 thread. And when he finally got it cut loose, then he took that  
10 and went over to some of the side vegetation to feed on it. So  
11 they put a lot of effort, but they have to be able to get in  
12 there and get some purchase, and that's what we hope to be able  
13 to do is knock off enough of these that the predators can have  
14 a freer access to them.

15 With the substrate improvement, in some areas  
16 where minor sedimentation has occurred, the dredge can  
17 reestablish a release, as well as clean the substrate to  
18 improve spat settlement.

19 And for this activity, timing is pretty  
20 critical. We would want to do that in spring or fall where we  
21 tend to have our big spat sets.

22 And here's your typical oyster dredge, a 22  
23 teeth used for conducting the cultivation activities with half  
24 the bag removed.

25 This dredge has been pulled so much over the

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1 bottom it's going to have to be rebuilt. It actually wore the  
2 teeth down.

3 And we have been using The CONSERVATIONIST to  
4 pull that off of it.

5 Initial evaluation and cultivation began in  
6 January after the reefs were scouted for areas suitable for  
7 enhancement.

8 The areas found to have the dense mussel  
9 populations were the Henderson Point and Pass Christian reefs.

10 Areas containing buried hard shell, such as the  
11 fringes of the main reef, as well as Buoy and Long Beach reefs,  
12 were also targeted just prior to the summer spawn.

13 Now, the Buoy and Long Beach reefs, they tend to  
14 be more intermittent reefs. And since we were under a wetter y  
15 ear, we spend a little bit of time on that, just trying to turn  
16 up the shell material to prepare it. And I'm hoping that we'll  
17 get a spat set on those.

18 We used three bagless dredges on The  
19 CONSERVATIONIST. All tracts were logged using our Noble Tech  
20 software. The project was completed in June, just prior to  
21 water temperatures reaching ideal spawning conditions.

22 Here's the Pass Christian harbor. This is the  
23 Henderson Point reef area. You can see the tracts that went  
24 all over that area repeatedly. Did some preliminary areas on  
25 the Pass Christian reef area. Here is the Long Beach or

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1 Kittiwake reef. And down here on the Buoy reef, it's a very  
2 small reef out near Cat Island.

3 That was approximately 520 acres or thereabout,  
4 425 nautical miles of tracts over a 42 vessel days.

5 And Michael Brochard who put this presentation  
6 together, he's the captain on The CONSERVATIONIST, and he's  
7 sitting right back there.

8 So if you have any questions, I'm sure Michael  
9 would be more than happy to answer them for you if I can't  
10 answer them.

11 MR. TAYLOR: Thank you.

12 MR. GORDON: Thank you very much.

13 MR. TAYLOR: Next up is Erick Porche.

14 3. State Records

15 MR. PORCHE: Good morning. I have 3 records to  
16 submit for your approval this morning. All three are  
17 conventional tackle.

18 The first one is a gray snapper, Lutjanus  
19 griseus. The old record was 13 pounds 15 ounces. It would be a  
20 new record of 14 pounds 7 ounces caught by Will Brown. That's  
21 our snapper, and Mr. Brown.

22 The second is for bearded brotula, Brotula  
23 barbata. The old record is 17 pounds 3 ounces. It will be a  
24 new record of 17 pounds 8 ounces caught by Joey Davis. Its  
25 missing a bit of a tail. It seems that it bit its own tail in

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1 the box. And Mr. Davis.

2 Third will be the horse-eye jack, Caranx latus.  
3 The old record was 22 pounds 15.52 ounces. It would be a new  
4 record of 25 pounds 5 ounces caught by Donald Bosarge II.  
5 There's the jack and Mr. Bosarge.

6 Any questions?

7 MR. TAYLOR: Do I have a motion?

8 MR. GOLLOTT: I'll make a motion, Mr. Chairman,  
9 we accept these new records.

10 MR. TAYLOR: Do I have a second?

11 MR. DRUMMOND: I'll second the motion.

12 MR. TAYLOR: All those in favor. Passes  
13 unanimous.

14 MR. PORCHE: Thank you.

15 MR. JEWELL: That concludes marine fisheries if  
16 there are no more questions.

17 MR. TAYLOR: Thank you.

18 Next up is office of coastal and zone  
19 management, Jan Boyd.

20 H. Office of Coastal Zone Management

21 MR. BOYD: Good morning, Mr. Chairman,  
22 commissioners, Director Miller, Ms. Chesnut.

23 Coastal zone management office has one action  
24 item for your consideration, and Chris Pickering will be  
25 presenting it.

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1 1. Bureau of Wetlands Permitting  
 2 a. Jackson County Board of Supervisors  
 3 MR. PICKERING: Good morning, commissioners, Ms.  
 4 Chesnut, Mr. Miller.  
 5 I'm going to be presenting a proposal for a  
 6 dredging project for Jackson County Board of Supervisors. The  
 7 project location is in Simmons Bayou, Ocean Springs,  
 8 Mississippi, Jackson County. It's in the general use district.  
 9 The agent is Seymour Engineering.  
 10 Here is a map. If you can see that red line,  
 11 that's the proposed channel.  
 12 Here is Highway 90, Government Street, and  
 13 Beachview Drive.  
 14 This is Alignment A. It's also going to be  
 15 called the western side of the channel. This is Alignment B,  
 16 the eastern side of the channel.  
 17 The applicant is proposing to maintain dredge  
 18 8200 linear feet of the navigation channel at Simmons Bayou.  
 19 They're going to be dredging 19,889 cubic yards of material.  
 20 On the western side of the channel, 5,850 linear feet will be  
 21 dredged 50 feet wide to five feet below mean low water. On the  
 22 eastern side of the channel, 2,350 linear feet will be dredged  
 23 40 feet wide to five feet below mean low water. And they are  
 24 requesting a ten year maintenance dredging agreement.  
 25 The material will be taken to a beneficial use  
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1 site, which is going to be Deer Island.  
 2 This project will serve a higher public purpose  
 3 for restoring safe navigational depths and providing public  
 4 access to and the use of the waterway.  
 5 The proposed project is allowable within the  
 6 general use district.  
 7 Similar projects have been approved, and no  
 8 precedent setting effects are anticipated with this project.  
 9 There will be a temporary increase in turbidity  
 10 during dredging operations and a loss of benthic organisms  
 11 within the dredging area.  
 12 There is a potential for adverse impacts to  
 13 oysters, clams, mussels, located in the vicinity of the  
 14 proposed dredging.  
 15 We had Seymour Engineering do a shellfish and  
 16 SAV survey of the area. And this is what they found. You see  
 17 these red dots here are where they found SAV. They did not  
 18 find SAV in anything more than six inches of water. And none  
 19 of this was found in the navigational channel. They did find a  
 20 bed of oysters right here, and then they found two more clumps  
 21 of oysters, mussels, and clams. Again, none of it was in the  
 22 navigational channel.  
 23 These two clusters are not very big. They  
 24 weren't beds. Only this one was a bed.  
 25 Best management practices will reduce any  
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1 adverse impacts.  
 2 No offsite alternatives have been considered.  
 3 Since this is a maintenance dredging project, the same channel  
 4 path that was previously dredged will be followed. No new  
 5 areas will be dredged.  
 6 This project will not change the location of the  
 7 navigation channel and should not affect the natural scenic  
 8 qualities.  
 9 This project went out on public notice in the  
 10 Sun Herald on July 14, 21, and the 28th. We received one  
 11 comment with concern about molluscan and submerged aquatic  
 12 vegetation resources and/or habitat and the project location.  
 13 DEQ is currently under review.  
 14 Secretary of State says the project will not  
 15 require a tidelands lease.  
 16 The Department of Wildlife & Fisheries asked  
 17 that the dredging be conducted between July and September.  
 18 That was a recommendation from them. They were concerned with  
 19 redbelly turtles and the presence of the Gulf sturgeon.  
 20 Based on our recommendation -- departmental  
 21 review, it has been determined that the project is consistent  
 22 with the Mississippi Coastal Program because it serves a higher  
 23 public purpose for restoring safe navigational depths and  
 24 providing public access to and use of the waterways.  
 25 Therefore, staff recommends approval of this permit to be valid  
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1 for ten years with the following conditions. The county shall  
 2 notify the DMR if any maintenance dredging is required. I  
 3 spoke with Bradley and Scott in the shellfish bureau, and this  
 4 was their recommendation. Shellfish survey shall be conducted  
 5 after dredging has taken place. If adverse impacts are found,  
 6 then shell recovery fee may be required as mitigation.  
 7 The beneficial use site is approved by DMR staff prior to  
 8 commencement of dredging operations and clearance by MDEQ.  
 9 Should the commission choose, a condition can be  
 10 added that requires the dredging to be conducted between the  
 11 months of July and September as recommended by the Mississippi  
 12 Department of Wildlife, Fisheries & Parks.  
 13 If that's the case, then they won't be able to  
 14 dredge until next July, and they were hoping to do it before  
 15 that.  
 16 Any questions?  
 17 MR. GOLLOTT: Where is the mouth of this bayou?  
 18 Is it in Pascagoula? I don't quite understand it.  
 19 MR. PICKERING: You can actually get into it  
 20 from like the opening in Back Bay. Right? Davis Bayou.  
 21 MR. GOLLOTT: Okay.  
 22 MR. PICKERING: And there's a boat launch right  
 23 here, public boat launch.  
 24 MR. BOSARGE: What is the water depth now?  
 25 MR. PICKERING: Two feet.  
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1 MR. BOSARGE: And it was five feet before with  
2 previous dredging?  
3 MR. PICKERING: I believe so.  
4 MR. BOSARGE: And what is the staff's  
5 recommendation on the July to September?  
6 MR. PICKERING: We don't think there's going to  
7 really be any adverse impacts to redbelly turtles or the  
8 sturgeon. The navigational channel should be far away enough  
9 from the shoreline that it won't impact the turtles.  
10 MR. TAYLOR: Do I have a motion?  
11 MR. DRUMMOND: I make the motion, Mr. Chairman,  
12 that we approve this project and we go with the recommendations  
13 of the Parks, Fisheries & Wildlife of Mississippi.  
14 MR. TAYLOR: So it can only be done during July  
15 and September?  
16 MR. DRUMMOND: Correct.  
17 MR. TAYLOR: We have a motion on the floor. Do  
18 we have a second?  
19 MR. BOSARGE: I'd like to make a substitute  
20 motion that we follow the staff's recommendation with this year  
21 we allow them to do their dredging in any month, but any  
22 dredging that has to be done in the future has to be done  
23 during the months of July to September.  
24 MR. TAYLOR: We have one motion on the floor.  
25 We don't have a second on it yet. But to move forward, we need

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1 our general fund appropriation for this year is \$1,125,350.  
2 The reason we have not received all of it is because our  
3 general funds are given to us twice a year, once in July and  
4 once in January. Contrary to the general funds, all of our  
5 offroad fuel tax of \$3,050,000 have been received as of July  
6 31. License sales were \$144,673. Fines and penalties, two  
7 hundred. Permits, dredging, \$2,121. Interest, \$9,360. And  
8 some miscellaneous costs which are general copies of public  
9 records requests of \$116.38. For a total revenue of  
10 \$3,769,146.17.

11 Our expenditures for July broken down by budget  
12 category are salaries, \$614,373. We had some travel costs,  
13 \$57. Our contractual expenses were \$80,941, which generally is  
14 made up of our rent and some other things like copies expenses  
15 and other various obligations. Commodities, \$4,432.  
16 Equipment, \$7,425, which for this month was IT equipment, such  
17 as printers. Total expenditures of \$707,228 for July 31.

18 The next two slides represent our projected  
19 state revenues and state expenditures for FY 14. These remain  
20 unchanged from last month. Our state revenues projected are  
21 \$5,595,351. And our projected state expenditures for FY 14  
22 summarized are \$7,294,677.

23 And I'd be happy to answer any questions if you  
24 have them.

25 MR. DRUMMOND: I have a question. (Inaudible.)

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1 a second. Is there a second on Shelby's motion? With no  
2 second the motion fails.  
3 Now will you restate your motion?  
4 MR. BOSARGE: Motion would be to follow the  
5 staff's recommendation and that this year they be allowed to  
6 dredge at any time they can get everything in place, but prior  
7 to any dredging in the future would have to take place during  
8 the months of July to September.  
9 MR. TAYLOR: We have a motion on the floor. Is  
10 there a second?  
11 MR. GOLLOTT: I'll second it.  
12 MR. TAYLOR: All those in favor. Opposed?  
13 MR. DRUMMOND: No.  
14 MR. TAYLOR: Motion passes two to one. Thank  
15 you.  
16 MR. PICKERING: Thank you.  
17 MR. TAYLOR: Next up is office of finance and  
18 administration, Kara Vesa.  
19 I. Office of Finance and Administration  
20 1. FY 14 Monthly Report  
21 MS. VESA: Good morning. The financial report  
22 today shows our budget numbers, our revenues and expenditures  
23 through July 31 of 2013. Our fiscal year began July 1, and  
24 this is one month's worth of information. As of July 31, we  
25 had received in general funds \$562,675. If you will recall,

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1 Did you hear me?

2 MS. VESA: I believe you asked we only spent \$57  
3 on travel for July. Yes. Those were state costs, state travel  
4 funds. We're getting into the fiscal year. We're going to  
5 have those costs go up. We see most of our travel in the  
6 spring when the legislative session comes into play and we're  
7 going up to Jackson a lot.

8 MR. DRUMMOND: That's a small amount of travel.

9 MS. VESA: It will go up.

10 MR. TAYLOR: Kara, I don't know if I need to  
11 address this to you or to Mr. Miller.

12 One of the things that we have seen is the  
13 agency wasn't audited for ten years, and now it's audited. And  
14 I know y'all are doing the '15 budget and part of the '14  
15 budget. I guess Jamie is the one I need to ask.

16 Do we have something built in for audit so that  
17 we don't get in a situation that happened over the last five or  
18 six years?

19 MR. MILLER: If I understand your question,  
20 would the agency be audited, are we setting aside money to  
21 bring in a third party, independent auditor for Fiscal Year 14.  
22 The answer is yes, we have made budget preparations to bring in  
23 a CPA firm to come in and audit the agency for Fiscal Year 14,  
24 and we intend to because we just made a request for Fiscal Year  
25 15, that we would also set aside money for the agency to be

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1 audited Fiscal Year 15, as well.

2 MR. TAYLOR: Any other questions? Thank you.

3 MS. VESA: Thank you.

4 MR. TAYLOR: Next up, public affairs, Melissa

5 Scallan.

6 J. Directorate

7 1. Public Affairs

8 MS. SCALLAN: Good morning, commissioners,

9 Director Miller, Ms. Chesnut.

10 In the last month since the last commission  
11 meeting on July 16, the DMR was mentioned 56 times in various  
12 media, newspaper, TV, radio, that's local, state, and  
13 nationally.

14 We also in addition to that have participated in  
15 education and outreach events throughout the coast.

16 The office of marine patrol taught two boat and  
17 water safety classes. Patrick Levine taught those. One in  
18 Biloxi and one in Gautier. Fifty-six students were certified  
19 in those two classes.

20 Also, Officers Levine and Curry gave a boating  
21 safety presentation to students at West Wortham Elementary for  
22 safety day.

23 Officer Levine participated in a training  
24 exercise with the Harrison County Emergency Management Office.  
25 They trained some officers, emergency personnel, from the

1 that appeared in the Sun Herald on August 9 on Friday. This  
2 person wrote, I'm not sure if it was a man or a lady, but they  
3 wrote: Wednesday was the last day of summer for us, so I took  
4 the kids out on the Pascagoula River for one last lazy summer  
5 day. We went swimming on a sandbar and then we took the boat  
6 down to the Tiki in Gautier. Afterwards, we were idling down  
7 Mary Walker Bayou when we were stopped by a Department of  
8 Marine Resources officer. My three-year-old son asked the

9 officer, why do you have lights on your boat? After the  
10 officer finished laughing, he told my son that the lights were  
11 how he gets boats to stop so that he can give them free ice  
12 cream for wearing their life vest. I had mine on, too. He  
13 gave both kids a coupon for McDonald's for a free ice cream  
14 cone for being safe boaters. What a great idea and program.  
15 Thanks again to the very professional DMR officer who stopped  
16 us. My kids have been talking about the nice policeman in a  
17 boat and how they got an ice cream cone because they are safe  
18 boaters. Well done.

19 And that officer was Senior Master Sergeant  
20 Rocky Southern. So wanted to bring that to your attention in  
21 case you missed it. And if you have any questions, I'll be  
22 glad to answer them.

23 MR. TAYLOR: Any questions? I think it's always  
24 good when you see that, you know, even like today, you see some  
25 stuff that you don't like to hear, so thank you.

1 center part of the state, showing them where our flood zones  
2 are so that in the event of a storm they will come down and  
3 help us and they will know where the areas are that are going  
4 to be flooded, most likely to be flooded.

5 And Officers Young and Elmore worked the Pink  
6 Paddle kayak races at the Biloxi and Ocean Springs yacht club.

7 We also had a booth recently at the CCA kids  
8 fishing tournament that was held in conjunction with the Carl  
9 Leggett tournament. Jennifer Wagner, Sally Richards, Gill  
10 Zednick, Rita Duvernay, and Jessica Rankin manned that booth.

11 Last Wednesday, we participated in the ribbon  
12 cutting ceremony for the Possum Walk at Heritage Trail at the  
13 Infinity Science Center. It's a beautiful trail. If you can  
14 go look at it, it's very nice. It was raining that day, but we  
15 had gone before and looked at it, and it's very nice. Director  
16 Miller addressed the group and participated in the ribbon  
17 cutting. I was there, as well as Jennifer Wagner, Melanie  
18 Lane, and Wanda Price.

19 Also on Friday night, Jennifer Buchanan and I  
20 had a booth at the showing of the Lorax of the City of  
21 Gulfport. They had about 550, and I'm convinced that all of  
22 those kids came to our table. They had more questions about  
23 weeds than the law allows. But they were fun, and they seemed  
24 to enjoy themselves. So that was nice.

25 I wanted to read something to you, a soundoff

1 Any other business to come before the  
2 commission?

3 Shelby, are you going to make a motion?

4 MR. DRUMMOND: I make a motion we adjourn.

5 MR. TAYLOR: Do I have a second?

6 MR. GOLLOTT: Second.

7 MR. TAYLOR: Those in favor.

8 (Meeting adjourned 10:30 a.m.)



1 COMMISSION ON MARINE RESOURCES

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COURT REPORTER'S CERTIFICATE

I, Norma Jean Ladner Soroe, Certified Shorthand Reporter, do hereby certify that to the best of my skill and ability I have reported the meeting of the Commission on Marine Resources and that the foregoing 60 pages constitute a true and correct transcription of said meeting held on the 20th day of August 2013.

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

Witness my signature this the 6th day of September 2013.

NORMA JEAN LADNER SOROE, CSR #1297  
Certified Shorthand Reporter