COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

February 14, 2012

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COMMISSION ON MARINE RESOURCES
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TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT
BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 PAVIHN
AVENUE, BILOXI, MISSISSIPPI, ON THE 14TH DAY OF FEBRUARY 2012
COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER
SOROE, CERTIFIED SHORTHAND REPORTER.
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COMMISSION MEMBERS PRESENT:

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

ALSO PRESENT:

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

A. Call to Order
DR. ASPER: Good morning. I'd like to welcome everybody to the regular February meeting of the Mississippi Commission on Marine Resources. Wish everybody a Happy Valentine's Day while I'm at it.

We have an agenda at the back there. If anybody does not see one, they're there.

And also if you're interested in making public comments, you need to fill out a little form and get it to one of the ladies here in front.

B. Approval of Minutes
DR. ASPER: The first thing on that agenda is the approval of the minutes. They were distributed in the mail. Are there any comments or corrections? Or is there a motion to approve?

MR. DRUMMOND: So moved, Mr. Chairman.

MR. GOLLOTT: Second, Mr. Chairman.

DR. ASPER: Those in favor say aye. The minutes from our previous meeting are approved.

C. Approval of Agenda
DR. ASPER: And the agenda. Are there any changes to the agenda?

DR. WALKER: Just one, Mr. Chairman. We want to add G-4 -- 5, which will be discussion on oyster licenses. We need to begin selling them for next year, and we're going to ask you to allow us to do the same thing we've done the last couple of years.

DR. ASPER: Okay. That will be under Item G-5.

Are there any other changes?

MS. CSHENUT: Willa, did you have any changes?

MS. BRANTLEY: We did. We wanted Item H-3(b) to be removed. That person has contacted us, and he's working to resolve that violation.

DR. ASPER: Okay. H-3(b) is removed.

Any other changes?

Is there a motion to adopt the agenda as modified with these two changes?

MR. GOLLOTT: So moved, Mr. Chairman.

MR. DRUMMOND: I second the motion.

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

D. Public Comments

DR. ASPER: Move on now to public comments. And if you have not filled out one of these little forms, please do so and get them to somebody up here in the front, and we will call on you.

We have a couple here. Now, please come to the podium, state your name, and then you're limited to three, four, five minutes at the most. If it gets longer than that, I'll have somebody pull you off of the microphone.

First on the list is George Storr.

MR. STORRS: I really don't need to say anything unless there's some opposition to -- I'm George Storr. I'm an oyster fishermen.

I don't need to say anything unless there's some opposition to what I ask for. Maybe you guys are going to discuss this thing. And if there's some opposition to this proposal, then maybe if you let me, I'll speak then, if that's all right with you.

DR. ASPER: Why don't you just for the record reveal what your proposal is.

MR. STORRS: Well, the season wasn't real good at first. And from what I got to see of it after we went out on THE CONSERVATIONIST after they pulled up the bottom a little bit, it looked like a lot better to me.

I've been told that it's a different story. It may not be as good as I think it is. But it's better than it was as far as I could see.

And I want you to vote on maybe or just through executive order to open the season back again at five sacks, just five, not more. Then we won't have a fleet over here. And if it works out, good, if it doesn't work out, shame on me. But I want to go try this, and others will, also, if we can get this done.

That's my proposal.
DR. ASPER: Okay.
MR. STORRS: Thank you.

DR. ASPER: Next we have Samuel Carruthers.
MR. CARRUTHERS: I'm Samuel Carruthers.

My thing is, I fish bull minnows for a living for bait shops. We're wanting to see if you could do something with the law to change it where we can sell a little mullet. A lot of sportsmen, a lot of bait shops, like to have a little mullet.

But the way the law is in Mississippi, we can't sell them. Louisiana sells them, Texas sells them.

Now, you have them here with a product they froze. They're coming from out of state, supposedly coming from out of state at Killer Bee.

If Killer Bee can sell them, why can't the residents sell them to where there would be some money for the state, and sportsmen can have the mullet.

You see them, you go drive down the road and roll over some of those piers, and you see where the sportsmen have thrown a castnet, they caught maybe 50 little mullet, and they pick up ten of them and leave the rest of them on the pier to die. That's a waste. They wouldn't do that if they could buy them. And it would be revenue for the state.

And it would help us because our problem is 1 July, August, September, and part of October, we can't catch bull minnows. Texas biologists say they bury up because it gets so hot. I personally don't know that.

I've been doing it a long time, but I don't swim around with that mullet, that little minnow, so I don't know what he does, but he disappears.

We need another way of making some money in that period of time, and little mullet would be the thing for us to do.

That's all I got to say.
MR. TAYLOR: Are you talking about selling them live or...

MR. CARRUTHERS: Live. Not dead, live. Killer Bee sells them dead, but, you know...

MR. DRUMMOND: Are you sure they sell small mullet?

MR. CARRUTHERS: Yes, sir.

MR. TAYLOR: They sell finger mullet. They're pre-packaged, and they're freeze dried some kind of way where they don't have a shelf life. I mean, they have a long shelf life. And they are coming from out of state. I've been at the factory when they bring them in.

MR. DRUMMOND: They're still alive?

MR. TAYLOR: No, they can't sell live. Just dead.

MR. CARRUTHERS: Just dead.

MR. TAYLOR: But the law is -- what? -- it can't be 12 inches? It's got to be over 12 inches?

MR. CARRUTHERS: Ten inches.

MR. GOLLOTT: Mr. Chairman, could we get counsel to tell us what the law is on that, read it maybe?

MR. CARRUTHERS: If I can have a moment to find it.

DR. ASPER: Certainly. This is the kind of input that we really treasure form the public. This is an idea that I for one and probably the rest of us haven't really considered. It's something that we can --

MR. CARRUTHERS: In this magazine here, there's an article that tells that there's year round demand but the supply is way short of the demand for the bull minnows.

So, you know, it's a year round business. But then four months, if it gets real hot, it's over with for us for the minnows.

Thank you, ma'am.

DR. ASPER: Dale, did you have a comment on that?

MR. DIAS: Well, Buck is saying it's in Ordinance 7. But for commercial, it is ten inches is the minimum size limit for commercial.

DR. ASPER: So it is in the statute. We can change that ordinance, though?
way we don't have to rush.

MR. CARRUTHERS: Thank you, gentlemen.

DR. ASHER: Thank you.

Next is Joseph Shubert.

MR. SHUBERT: I'm Joseph Shubert. Mr. Carruthers pretty well covered it. I appreciate it.

DR. ASHER: Okay.

Joseph Ferguson.

MR. FERGUSON: Good day. I'm Joseph Ferguson with Joseph's Trawl.

I'm here to speak to you about the shrimp. Most everything eats shrimp, from amberjack to zebra mullets, oysters, whatever you want to call them, shellfish.

Anyway, I spoke in December. I spoke in December about the industry and now --

MR. DRUMMOND: I can't hear you.

MR. FERGUSON: I'm sorry, sir.

I spoke in December about the industry, how they used to catch shrimp with large seines. And I've seen pictures of schooners come in with the boat decked loaded. And I spoke about how -- I spoke on the difference in the trawl made. The trawl made a difference in the seafood industry. We started killing everything off. We started getting smaller industry over time. After Camille, the factories didn't come back because there wasn't enough seafood to process. We still had a few factories. After this last storm, we even got less factories now.

I'm a net maker. When I started in this business, I know of four net shops that were working here in Mississippi. Today, I know of one, and that's mine. I'm not saying there's not other people making nets. I'm sure there is. The future calls for a sustainable seafood initiative. Shrimp almost like an endangered species should be protected when they reproduce. And that's not just after they spawn, that's before they spawn because you got to have adults to spawn.

The net really does tremendous things to a spawn after they spawn. And the juveniles, as they go through the net, the net will catch them behind the head and kill them, pops their head off.

The larvae, nets stick to the larvae, stick to the nets. And then they pull up the nets, and then you have larvae in the nets, and they shake the nets down, larvae is all over the boat deck. If they don't wash them down, they're dead.

So I believe that shrimp need to be protected during this time period.

The laws are set up to close the shrimp season at the end of December and then to reopen when the juveniles start coming out of the estuaries. There is some species of shrimp that's still coming in at this time.

I understand that we want to harvest the brown shrimp are usually first, and then you have white shrimp, and then you have others. You know, they have pinkies, and they have the hoppers. The hoppers are usually last. They're last to come out of the estuaries as far as commercial shrimp is concerned.

I believe if you protect these shrimp we can get maximum yield out of them. That way the fishermen can make more money, the factories can make more money, the state can make more money, of course, me, because I depend on the fishermen to buy my nets.

And that's about all I have to say.

Oh, one more thing. One more thing at the bottom here. With the larger shrimp population, the rest of the seafood out there, fish, crabs, whatever, would be able to produce more themselves because they have more food to eat. Shrimp is a vital food for all seafood and for us on land.

Thank you.

DR. ASHER: Thank you.

MR. TAYLOR: I'd like to just make a comment on that.

Part of the problem is not with the shrimp industry itself here on the coast. It's basically the imported shrimp.

You know, our local fishermen can't compete with basically farm raised shrimp. And if you talk to any factory owner, they'll tell you that the restaurants and the places want normally the cheapest product for the same size. So that's part of the problem, in addition to what you're talking about. I don't know if there's anything that can be done about that other than something that's out of our hands.

MR. FERGUSON: Yes, I agree with you there.

I must say, though, that protecting our local shrimp will help with the fish. I've said this. Not just the harvest. The harvest, a lot of people depend on the harvest, including the state. State used to make a lot of money on the seafood industry here which has collapsed over the last -- my lifetime, at least.

Because like I said, I'm the only net shop that's still open that's still taxes for the state. You know, there was four when I started in this business, like I was saying. I'm repeating myself, but I want you to understand that. Look at the factories that's gone. There used to be a lot of factories making money for the state, too. I want y'all to understand that, you know, this industry used to be huge, you know.

And I know I call for wide range of time to be
closed, but in order to protect the shrimp so we don't have
this cascade failure like we've been doing over the -- not this
past year and years before because I've been in this industry a
long time and have seen it many times. And I could explain it
to you and show you graphs and charts, but I only got three to
two minutes, you say, so I can't do that.
And so, you know, I might could make something
up one day and be able to show you and get on the agenda. I
read on there somewhere that the public can get on the agenda.
And so, I'm just trying to save an industry
that's dying, and it's dying fast because even in my lifetime
I've seen it.
My mentor said the same thing, but he's long
gone now, Steve Removich (ph.). And he said the same thing, in
his lifetime he said it decline heavily. Of course, he's lived
a long time in this industry.
My time has been short, probably be shorter than
his.
Thank you.
DR. ASPER: Thank you.
And the last one we have here is F.J. Eicke.
MR. EICKE: I'm not here as a member of OCA.
I think our membership would be very interested
in the mullet question, though.
But at any rate, we have on the agenda today a

record with regard to the Mako shark. And it's been well
publicized in the media that there was a shooting involved in
the landing of this fish which, as was pointed out by another
little article that appeared in the Sun Herald, I think, would
violate IGFA standards.
Now I realize that the department and commission
do not follow IGFA standards and therefore the recognition of
this catch is within the guidelines as specified.
But it's something that the commission ought to
think about in terms of adopting IGFA standards because those
are the world standards by which fishermen record records.
The other thing that while doing that, and even
if you don't come to that conclusion, that the current rules
that are promulgated by the commission and by the department
are sufficient, it would really be advantageous from a sporting
standpoint with regard to fishing to recognize categories such
as juniors, by gender, male and female, and possibly others as
far as line class or such, to make recreational fishermen and
their families more aware of what recreational fishing is, that
it's a sport above all even though we sometimes think of it as
a filling the freezer.

But, it's a simple thing, and it's why the rules
exist, and everybody likes a trophy. But that trophy has to be
recognized under some guidelines.
IGFA has those standards well available through

the record book which those of you that are members of IGFA
would have just received. And I think it would enhance our
attempt, and speaking as a CCA member in terms of the kids
things that we do, of making kids aware that there are records
that recognize junior catches.

Thank you.
DR. ASPER: Thank you.
That's the end of public comments unless
somebody else I missed.
We'll move on to the executive director's
report.
E. Executive Director's Report
DR. WALKER: I don't have anything, Mr.
Chairman.

MR. ASPER: And to marine patrol.

F. Marine Patrol
MR. CHATAGNIER: Good morning, Mr. Chairman,
commissioners, Dr. Walker, legal.
We've been out working again. We had a few
possessions of illegal oyster cases from people that were out
cooking oysters. And one particular person here who failed to
notify us that he was going to go out and work his reef as
required by his permit.
Saltwater fishing has been down. At least, the

license have.

And one undersized redfish. And we had a case
with possession of fish files coming in from federal water.
That particular case right there we'll scratch, and we're going
to bring to the commission on the administrative penalties.
Boat and water safety violations are down.
There wasn't a lot of boating activity this last month.
Hunting season was still going on. It's closed up pretty much,
so I imagine more people will start boating now.
And we taught one boat and water safety class in
Pascagoula High School, certified 15 students.
Fortunately, we only had one boating accident.
It was no injuries. It was a boat fire.

No fatalities.
Did 46 JEA patrols, utilized 838 man hours, made
237 contacts, and we issued 16 state citations during those
patrols.

DR. ASPER: Okay. Any questions? Thank you
very much, Chief.
We'll move on now to fisheries. Dale.
G. Marine Fisheries
MR. DIAS: Good morning, Dr. Asper,
commissioners, Dr. Walker, Ms. Chesnut.
I want to mention a couple of items before I
start calling fisheries stuff up here.
As you know, last August after the Bonnet Carre

N.J. SOROE, CSR #1297
1. Spillway opening, we filed a request with NOAA asking for a federal fisheries failure declaration for oysters and crabs. During the fall, we had lots of comments from shrimpers about low catches. So we have been monitoring landings each month. Total landings by month are not low enough to meet the federal criteria. However, we just received preliminary landings data that separates inshore landings from offshore landings.

And the preliminary data shows that inshore reduction of landings are slightly above the needed criteria for NOAA to consider a request.

I talked with our contact at NOAA yesterday and informed him that we are currently preparing an amendment to our original request for the inshore shrimp fishery. And we will be filing that hopefully within the week.

The way this works, if NOAA does in some point in time declare a federal fisheries failure for any of these fisheries, we would have to at that time go to our congressional delegation and ask them to appropriate some funds to deal with those disasters.

So we're going to stay on top of it, and we'll try to keep you informed as to what's going on with that.

Next I wanted to mention, we have submitted to DEQ a new natural resource damage project that would include an oyster cultivation activity and an oyster relay project.

At the last meeting, I mentioned to you that there were some public hearings on the early restoration projects. And one of the early ones that was being considered is an $11 million for oyster cultch plant.

We did receive a lot of comments from commercial fishermen that they'd like to be involved in restoration activities. And that was one of the things that made us decide to go ahead and put in these new projects here.

So we are listening to the input that we're getting from the industry.

Lastly, Reed Hendon with Gulf Coast Research Lab asked me to mention that the annual Mississippi marine fisheries workshop will be held on February 23 at 6:30 p.m. at CCRI. And on the agenda, there's going to be talks about Mississippi spotted seatrout monitoring, Mississippi Department of Marine Resources artificial reef program, blue crab research and aquaculture, Mississippi and northern Gulf Coast shark research, and marine aquaculture update, and also a report on juvenile tarpon occurrence and habitat.

So if y'all can make that, it usually turns out to be a nice event.

The 23rd, next Thursday, 6:30. It's going to be in that Taylor Auditorium.

With that, first up for marine fisheries is 2.

1. Scott Gordon, and he's got an oyster update that you requested last month.

3. Oyster Update.

MR. GORDON: Good morning, Mr. Chairman, commissioners, Dr. Walker, Ms. Chesnut. And Ms. Chesnut, Happy Valentine's Day, as well as to all the Ladies in the audience.

At the last commission meeting, Commissioner Hollott had asked about the spat set that we had on some of our cultch plant sites. And so we had our folks go out and sample in 12 locations. And these are the locations from nearshore off of Pass Christian to the offshore and all the way over to the St. Joe reef area.

I don't know if you can see all these 12 sites. But this is the chart of the sample results from these 12 sites. The red bar on there is the spat. That's the very small oysters. The yellow bar is the seed oysters. And the sack or the green bar is the sack oysters.

As you can see on here, Station Number 1, that's the Pass Christian -- Station 1 and 2 and 3 are all Pass Christian cultch plant sites.

Number 4 is Henderson Point.

Number 5 is the Square Handkerchief area.

Number 6 is Telegraph reef area.

Number 7 is the Pass Marianne area.

Number 8 is Telegraph.

1. Number 9 and 10 are the Pass Marianne area.

And 11 and 12 are the St. Joe area which we did not find any live oysters.

We were also looking at some of the other condition of the reef areas. And a lot of these reef areas, we are having heavy hook mussel infestations. That typically are those areas that are closer to shore.

With the spat set, the Station Number 10, that's the Pass Christian or the Pass Marianne area, that was one of the areas that was further offshore, and so with the Bonnet Carre Spillway, it was closer to some of the higher salinity areas. And we will typically see a higher spat set out in those offshore areas. And that was encouraging to see that. But we do have some concerns in some of the other areas.

However, we are seeing good numbers on some of these cultch plants of the seed oysters that are surviving, and that's our future crop.

This is -- I should have changed the date on here, but that's through October of this year. And we just had a about a one week season. We opened up a limited oyster season for tonging only that we experienced mortalities over a large area. And anyway, we had 31 trips during that week, and we had about 66 sacks total harvested. So we shut it down.

We closed the areas, but the actual season is open.

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And these are just license sales, looking back through May of this last year. And that's something that I don't know the commission may want to discuss later on.

We took the oyster task force out on The CONSERVATIONIST and had an oyster task force meeting out there on The CONSERVATIONIST. And while we were out, we looked in several of the areas, and we saw some encouragement in some of the areas that we had looked at. Some of the areas looked better than several of us thought or what we were expecting on there.

This picture doesn't show up very well, but this is one of the areas where we're having heavy hook mussel infestations. And if you haven't seen those up close, you'll have a cluster maybe 12 inches across, and you have to take a hatchet to cut down to the oyster. And there might be a live oyster in there, might not be a live oyster in there. But they're having to compete against the hook mussels for whatever food filtration that they're going to get.

But as a result of this, I know George Storrs, he had mentioned and he had requested that we reopen the season so they could go look again. And we have agreed to that. It's going to take us a little while to get things set up. The Pearl River is crested right now. And so I've got some folks that will be taking some samples, and we'll try to open that up.

And we are going to try to limit the number of sacks, although that may be self-limiting. But we will continue to monitor closely. And you know, if they get into some of these hook mussels, that will be a good thing for them to break those clusters apart.

And I'm sure you have heard in the news about the red dye that was being put out in some of the areas in the Bay St. Louis area. I had requested the Food & Drug Administration to come in and help us with doing a hydrographic and shoreline survey of the area.

And what we were hoping to do is to identify any actual or potential pollution sources with the hopes of getting that mitigated.

And so they came in in January. They were down here for about a two week period. Here we are in the morning, they were setting up some -- I think these are fluorometers that they would use to detect the dye, and they've got those mounted on the top of some crab pots.

MR. DRUMMOND: Where did they put the dye, Scott?

MR. GORDON: I'll get to that. I'm going to show you.

We went around the area, both in the boats, you know, where we couldn't get access by land, and then also by land, and looked at the entire shoreline that was adjacent to the growing area.

And if we saw any discharges, samples were collected, and they were analyzed in the lab.

And we also did some additional investigations. And here is one. You can't really see. There was a stop sign there, and the shadow was right over it. But we had seen a heavy water discharge which couldn't be explained. So we followed that upstream until we fund a little spring coming out from under the road.

We collected some samples there. And that afternoon, I talked with Nick Gavin with DBQ, called him up. I said, look, we got this situation here. That afternoon, he had the folks out, and they repaired it. It happened to be a busted water main. So that was saving some folks some money.

There was another place over in the Joe's Bayou area in Hancock County, and that's where they did the dye study that they were seeing an elevated signature of fecal coliforms and some of the other indicators that they were looking for, male specific bacteria phase.

And so they wanted to do this dye study which we're looking at the time of travel and the dilution analysis. And if you were able to see that area, it turned the water blood red. And that dye is not harmful to any fish or humans. And it's commonly used throughout the country to determine these or determine what -- where the flow of the water from this bayou would be.

And they're still doing analysis on that so we are going to be getting a full report from them.

But as a result of this, we had some of the folks in the City of Bay St. Louis, they were also investigating, trying to find out if there were any problem areas, and they identified where there was a pump station that was not functioning properly. And they've since corrected that.

So it's good that we can get quick results on this, you know, identify are there any problem areas, try to get it remedied.

And here is another picture of Joe's Bayou.

It's a real pretty location. That goes right alongside where the Hollywood Casino is at.

I don't know if Sandy wants me to go on to the next one?

This had been discussed and, you know, requested by one of our commissioners.

Looking at the oyster license sales and actions that we have had over the previous two seasons and for the 2010-2011 season, the commission -- and I'll paraphrase this -- authorized the executive director to suspend license sales through the end of the 2010-2011 oyster season if there is an unusual increase in license sales and it is necessary to
conserve the fishery resource and to notify the commission of such action.  
And during that year, the commission set aside the period of April 1 to 30 reserved for the sales of the 2009-2010 license year holders to purchase the same number and type license held last season.  
So that was set aside that one month for letting the people renew their existing licenses.

Last year, the commission authorized the executive director to monitor license sales and limit sales if needed and notify the commission, which we did.  
And we were asked about, you know, if we would have any recommendations for this season. And those are some of the considerations that we would -- you know, if the commission would so desire that would need to be considered.

To hold the licenses to the current 2011-2012 levels by category.  
Renewals which would be the same number and type only during the month of April of this year, then the remainder on a first come first serve basis.  
If a dredging license was surrendered to purchase a tonging license due to the license moratorium, the purchaser may choose the type of license to purchase.  
And then a provision for hardship cases.

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MR. TAYLOR: How much is an oyster license?

MR. GORDON: Oyster licenses vary depending upon the type and whether you're a resident or nonresident.  
MR. TAYLOR: Resident.  
MR. GORDON: Resident is $50 for a tonging license and $100 for a dredging license.  
And then they have the captain's license requirement which is about $10.

MR. GOLLOTT: Mr. Chairman, I'd like to make a motion that we accept the staff's recommendation on the oyster license.

MR. TAYLOR: Second.


MR. GORDON: Thank you.

MR. DRUMMOND: Scott, I'd like to ask you a question, please.

Has anybody in marine fisheries taken a look at the oyster reefs in Jackson County?

MR. GORDON: Yes, sir. I had a meeting over at the Grand Bay NERR a couple of weeks ago with -- there are some researchers that are doing some work over there that we're hoping that we can team up with them.

MR. DRUMMOND: What are they doing?

MR. GORDON: They are looking at some of the historical sources of water quality issues in that area.

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I also have some of the crews that have been sampling and looking at some of the reefs in the area. And they have identified some areas that -- of resource in the Belle Fountain area towards the mouth of the Pascagoula area or Pascagoula River.

That's real shallow water. But it is encouraging to see oysters in those particular areas.  
And then we are every month collecting water samples. In fact, I have had them increase the number of water samples for a couple of these areas, specifically the Graveline Bayou area and also in the Grand Bay NERR.

MR. DRUMMOND: I am probably going to ask you the same question next month.

MR. GORDON: That's fine. Thank you.

DR. ASHER: Thank you, Scott.

MR. GOLLOTT: Before we move on, I have a question.

Backing up to this oyster mussel problem we are having, wouldn't it help while the water is still cool to take the bags out of the dredges on The CONSERVATIONIST and pull the -- turn these oysters over to knock these mussels off?

MR. DIAZ: Yes, sir, it does help. And we have done some of that with The CONSERVATIONIST already, and we plan to use it extensively this spring to do that.

And that type of cultivation can be done any time because if you get in there -- if you can loosen up the mussels just a little bit, some of the research that we've seen from Nicholls State, if you can just loosen up the mussels, they're packed so tightly together, if you loosen them up just a little bit, the blue crabs can get in there and actually work on the bissell threads that hold them to the oysters, and they can get in there and use that as a source of food.

So we will be doing a good bit of that with The CONSERVATIONIST.

MR. GOLLOTT: What I was thinking about is the temperature of the water, you've almost got to do that before the water gets too warm because it will kill them if it gets hot.

That sounds good. Thank you.

MR. DIAZ: Thank you. Thank you, Scott.

Next up for marine fisheries is Erick Porche, and he's got state records.

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MR. PORCHE: Good morning. I've got three records for your consideration this morning.

The first two are for conventional tackle. The first being Bigeye Tuna, Thunnus obesus. We had an old record of 93 pounds 5.6 ounces. The new record will be 203 pounds 14 ounces caught by Chip Temple.

There's the fish and Mr. Temple.
The second is for Shortfin Mako, Isurus oxyrinchus. It will be a new record of 550 pounds caught by Tim King.

Mr. King and the Mako.

The third is for fly fishing. We have a record for Black Drum, Pogonias cromis. The old record of 41 pounds 8 ounces will be a new record of 58 pounds 0 ounces caught by Thomas Dempsey.

There's Mr. Dempsey and his black drum.

Any questions?

MR. DRUMMOND: Let me ask you something about these first two. The Bigeye Tuna and the Shortfin Mako, are those considered as state saltwater fishing records?

MR. FORCHE: Yes, sir.

MR. DRUMMOND: They're caught way offshore.

MR. FORCHE: Yes, sir. The way it reads is in adjacent waters to Mississippi.

MR. DRUMMOND: Adjacent waters. Okay.

MR. FORCHE: Yes. And it has to be landed here in the state.

DR. ASPER: Is there a motion to approve these records?

MR. DRUMMOND: So moved, Mr. Chairman.

DR. ASPER: Is there as second?

MR. GOLLUTT: Second.

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

Just before you leave there, would you like to comment on what F.J. brought up about the shooting regulation? And obviously these were captured under the existing rules, so that's not an issue. But do you think we should establish something like that?

MR. TAYLOR: I fish mainly tournament fish for marlin, sailfish, and stuff. And all the tournaments that we fish use the IGFA rules. It's all the standard that is set. And I would like to see us -- and I'm not making a motion -- maybe adopt the rules and also the line class and the female thing. And I'll be glad to work with Buck and whoever to do that.

But I would like to see that because that's not a fish caught in a sporting manner when you shoot a fish. It's what we have to work with, you know, now because of the regulation. But I would like to see us get closer to that, if not adopt them. Be glad to work with you all in any way if we decide to go that way.

DR. ASPER: Okay. Thank you.

We'll now move on to coastal ecology. I don't see Jan.

H. Coastal Ecology

3. Bureau of Wetlands Permitting

MS. BRANTLEY: No, Jan is at the DEQ permit board meeting. He serves on that permit board, and they met today.

So coastal ecology only has one item on the agenda. It's a petition for reconsideration of a permit modification that was issued last month by the commission. And Greg Christodoulou will be presenting that.

a. City of Bay St. Louis

MR. CHRISTODOULOU: Good morning, commissioners,

Dr. Walker, Sandy.

This is a petition for reconsideration for the City of Bay St. Louis. It's located on the Bay of St. Louis between CSX railroad bridge and DeMontiuzin Bay St. Louis.

It's in the commercial fishing and recreational marinas district. And the agent is BMI Environmental.

Project location: Just north of CSX railroad bridge, Highway 90 bridge.

Last month, the commission approved a modification to the municipal harbor project. And the project description basically was a structural design of a couple of structures, the flow-through breakwater structure, and a central pier platform that was originally pile supported, and they've asked to change that to a fill area.

On a timely manner, the three individuals, Mr. Chris Lagarde, Amy Kramer, and Carroll Gordon, filed a petition for reconsideration for the commission's ruling.

And the commission has four options on this petition:

You can basically grant or deny the requested action without further argument.

You can request a response from BMI prior to making a final deposition.

Set the matter for an evidentiary hearing.

Or make further orders as it deems appropriate under the circumstances.

DR. ASPER: I think the key consideration here is what new information has been brought out.

Could you go over what new information has been established by this petition?

MR. CHRISTODOULOU: Basically, I can go through the --

MS. BRANTLEY: First of all, I wanted to read a letter into the record. We received this by e-mail from Ms. Amy Kramer, and she asked that it be read into the record. She was unable to attend because of jury duty. And it covers some of the points that were in the petition that you got in your folder. It does bring up a few new ones.

This is dated February 13, 2012. It's addressed to the Mississippi Department of Marine Resources, and states: The Bay St. Louis Harbor project was introduced
1 to the public in early 2009. The first permit application for
2 contract approval was filed in May 2010. Public objections to
3 errors and omissions in environmental assessment report, lack
4 of business plan, and flaws in the harbor design including lack
5 of storm protection for citizens of Bay St. Louis were not
6 responded to in the presentation to the commission recommending
7 approval of the project.
8
9 The redesigned contract is based on a design
10 study by the engineering firm of Moffat & Nichol. The elements
11 of the redesign are reduction in the size of the largest
12 vessels to be moored from 70 feet and 80 feet to 45 feet, 50
13 feet, and 60 feet, increase in the loss of habitat by expansion
14 of the fill area and increase in structure. The tidelands
15 lease was negotiated with the Secretary of State.
16
17 The following comments from citizens have not
18 been addressed:
19
20 The terms of tidelands lease agreement deny any
21 economic benefit to the City of Bay St. Louis. The primary
22 purpose of the harbor project has been nullified.
23
24 The harbor creates unmitigated filling of
25 waterbottoms and wide irreversible destruction of wetlands that
26 are habitat for endangered species without contributing to the
27 economic value of the city.
28 The harbor destroys the aesthetic value of
29 pristine shoreline for no useful commercial value to the city.
30
31 Where the City of Bay St. Louis loses any
32 potential profit, it retains the liability for financial
33 operating loss.
34
35 Lack of enforceable agreement with CSX Railroad
36 for passage through the bridge in emergencies exposes the city
37 to liabilities from boat owners in emergencies.
38
39 The operating plan does not consider slip lease
40 terms with liability and hull insurance to protect the city
41 from cleanup and damage from storms.
42
43 The harbor design provides no access for vessels
44 45 feet to 60 feet to reach open water, a fact reinforced by
45 the Moffat & Nichol report.
46
47 The area to be dredged and filled is rich in
48 Indian culture, an area that has not been assessed by
49 Mississippi Department of Archives & History.
50
51 The environmental report does not address the
52 disturbance to the wildlife population over the total west end
53 of Mississippi Sound due to increase in noise, wave action,
54 increased turbidity, and atmospheric pollution due to the many
55 fold increase in boat activity.
56
57 The design does not consider the incompatibility
58 of the harbor with the local community. The Bay St. Louis
59 population is a community of people interested in fishing and
60 all water activities. The boats in the area are for the most
61 part between 12 feet and 25 feet stored on trailers. There are
62 no large luxury yachts as specified in the harbor design.
63
64 The date of public notice of the redesign before
65 the holidays and reporting date the day after a four day
66 holiday deprives the public of due process.
67
68 Response to the U.S. Army Corps of Engineers'
69 public notice had not expired at the time of the permit
70 approval date.
71
72 The harbor plan and environmental assessment are
73 incomplete and incompetent.
74
75 In light of these deficiencies and addressing
76 public comments, we request that approval of the redesign permit
77 be denied.
78
79 And this letter is unsigned, but it was received
80 from Ms. Amy Kramer's e-mail address.
81
82 MR. TAYLOR: Your recommendation is to deny the
83 request — petition for the reconsideration?
84
85 MR. CHRISTCOUOLOU: Yes, sir. We have prepared
86 a response to the comments. This was an earlier letter. This
87 letter we just received yesterday, so we didn't have time to
88 respond to every single comment in this one, although some
89 overlap with the initial letter that was received during the
90 petition period.
91
92 MR. TAYLOR: There is also a letter from
93 Department of Archives & History denying it, also.
94
95 MR. CHRISTCOUOLOU: Yes, sir. They're saying
96 that they have reviewed the project.
97
98 MR. TAYLOR: I make a motion, Mr. Chairman, that
99 we follow the staff's recommendation.
100
101 MR. DRUMOND: I'll second the motion.
102
103 DR. ASPER: Any further discussion?
104
105 I've got one quick question, and that is: One
106 of the claims in this letter is that the terms of the tidelands
107 lease deny any economic benefit to the City of Bay St. Louis.
108 Could you elaborate on that? Is that really
109 true, they're not allowed to charge slip fees or anything in
110 this? Is that what they're saying?
111
112 MR. CHRISTCOUOLOU: I'm not sure about the
113 Secretary of State's response to that.
114
15 As far as I know from what I've talked with
116 other harbors that the Secretary of State has allowed the city
117 to have the slip fees. And usually the Secretary of State
118 would get any lease monies from other amenities with it, but
119 not with the slip fees. That would be a question for the
120 Secretary of State's Office I would imagine.
121
122 MR. GOLLOTT: But doesn't Hancock County receive
123 a substantial amount of the tidelands funds?
124
125 DR. WALKER: Yes.
126
127 DR. ASPER: Any further discussion? Those in
128 favor say aye. Carries unanimously to deny the petition for
129 reconsideration.
130
131 N.J. SOROE, CSR #1297
I believe that brings us up to the financial report. Is there anything else?

J. Administrative Services

2. Financial Report

MS. VESA: Good morning. The report today shows the status of the DMR's budget as of January 31, 2012. On that date, we had spent a total of $4,151,335 leaving a remaining balance of $2,116,158.

And tidelands still remains obligated.

Are there any questions today?

DR. ASPER: Okay. Thank you, Kara.

With that, I believe we've completed the agenda.

Is there a motion to adjourn?

MR. GOLLOTT: I make a motion to adjourn, Mr. Chairman.

MR DRUMMOND: I second the motion.

DR. ASPER: We're adjourned.

(Meeting adjourned 9:55 a.m.)

COMMISSION ON MARINE RESOURCES

COURT REPORTER'S CERTIFICATE

I, Norma Jean Lacher Soree, 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 37 pages constitute a true and correct transcription of said meeting held on the 14th day of February 2012.

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 1st day of March 2012.

N. J. SOROE, CSR #1297

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May 11, 2013