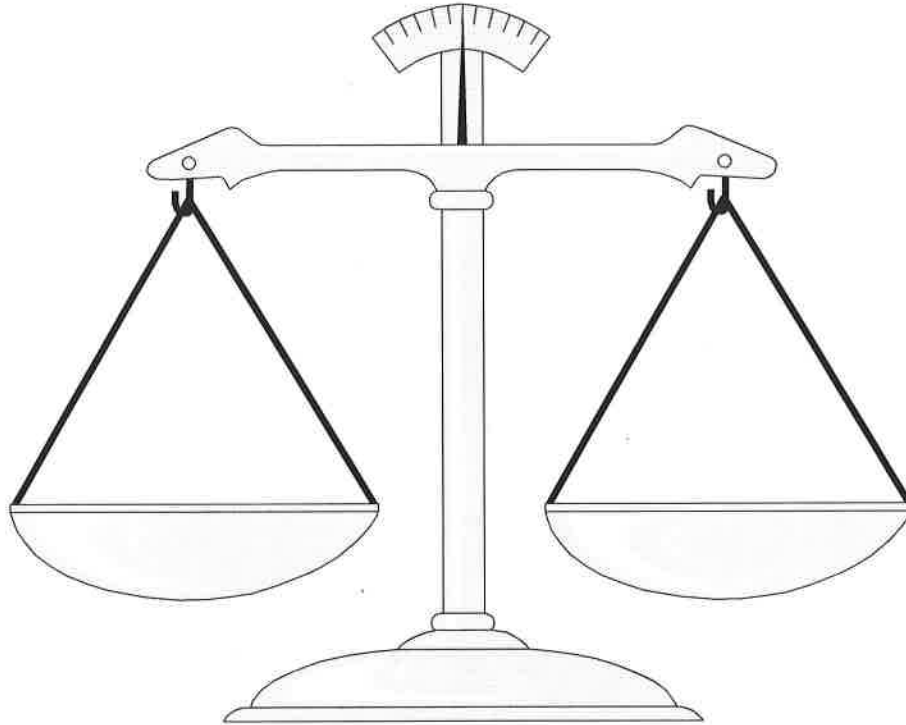


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COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

February 14, 2012

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COMMISSION ON MARINE RESOURCES

MEETING OF COMMISSION ON MARINE RESOURCES
February 14, 2012

TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT
BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW
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.

COMMISSION MEMBERS PRESENT:

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

ALSO PRESENT:

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

1 ask you to allow us to do the same thing we've done the last
2 couple of years.

3 DR. ASPER: Okay. That will be under Item G-5.
4 Are there any other changes?

5 MS. CHESNUT: Willa, did you have any changes?

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

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

10 Any other changes?

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

13 MR. GOLLOTT: So moved, Mr. Chairman.

14 MR. DRUMMOND: I second the motion.

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

17 D. Public Comments

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

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

1 A. Call to Order

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

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

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

11 B. Approval of Minutes

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

16 MR. DRUMMOND: So moved, Mr. Chairman.

17 MR. GOLLOTT: Second, Mr. Chairman.

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

20 C. Approval of Agenda

21 DR. ASPER: And the agenda. Are there any
22 changes to the agenda?

23 DR. WALKER: Just one, Mr. Chairman. We want to
24 add G-4 -- 5, which will be discussion on oyster licenses. We
25 need to begin selling them for next year, and we're going to

1 First on the list is George Storrs.

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

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

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

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

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

19 And I want you to vote on maybe or just through
20 executive order to open the season back again at five sacks,
21 just five, not more. Then we won't have a fleet over here.

22 And if it works out, good, if it doesn't work
23 out, shame on me. But I want to go try this, and others will,
24 also, if we can get this done.

25 That's my proposal.

1 DR. ASPER: Okay.
 2 MR. STORRS: Thank you.
 3 DR. ASPER: Next we have Samuel Carruthers.
 4 MR. CARRUTHERS: I'm Samuel Carruthers.
 5 My thing is, I fish bull minnows for a living
 6 for bait shops. We're wanting to see if you could do something
 7 with the law to change it where we can sell a little mullet. A
 8 lot of sportsmen, a lot of bait shops, like to have a little
 9 mullet.
 10 But the way the law is in Mississippi, we can't
 11 sell them. Louisiana sells them. Alabama sells them. Texas
 12 sells them.
 13 Now, you have them here with a product they
 14 froze. They're coming from out of state, supposedly coming
 15 from out of state at Killer Bee.
 16 If Killer Bee can sell them, why can't the
 17 residents sell them to where there would be some money for the
 18 state, and sportsmen can have the mullet.
 19 You see them, you go drive down the road and
 20 roll over some of these piers, and you see where the sportsmen
 21 have thrown a castnet, they caught maybe 50 little mullet, and
 22 they pick up ten of them and leave the rest of them on the pier
 23 to die. That's a waste. They wouldn't do that if they could
 24 buy them. And it would be revenue for the state.
 25 And it would help us because our problem is

5

1 July, August, September, and part of October, we can't catch
 2 bull minnows. Texas biologists say they bury up because it
 3 gets so hot. I personally don't know that.
 4 I've been doing it a long time, but I don't swim
 5 around with that mullet, that little minnow, so I don't know
 6 what he does, but he disappears.
 7 We need another way of making some money in that
 8 period of time, and little mullet would be the thing for us to
 9 do.
 10 That's all I got to say.
 11 MR. TAYLOR: Are you talking about selling them
 12 live or...
 13 MR. CARRUTHERS: Live. Not dead, live. Killer
 14 Bee sells them dead, but, you know...
 15 MR. DRUMMOND: Are you sure they sell small
 16 mullet?
 17 MR. CARRUTHERS: Yes, sir.
 18 MR. TAYLOR: They sell finger mullet. They're
 19 pre-packaged, and they're freeze dried some kind of way where
 20 they don't have a shelf life. I mean, they have a long shelf
 21 life. And they are coming from out of state. I've been at the
 22 factory when they bring them in.
 23 MR. DRUMMOND: They're still alive?
 24 MR. TAYLOR: No, they can't sell live. Just
 25 dead.

6

1 MR. CARRUTHERS: Just dead.
 2 MR. TAYLOR: But the law is -- what? -- it can't
 3 be 12 inches? It's got to be over 12 inches?
 4 MR. CARRUTHERS: Ten inches.
 5 MR. GOLLOTT: Mr. Chairman, could we get counsel
 6 to tell us what the law is on that, read it maybe?
 7 MS. CHESNUT: If I can have a moment to find it.
 8 DR. ASPER: Certainly. This is the kind of
 9 input that we really treasure from the public. This is an idea
 10 that I for one and probably the rest of us haven't really
 11 considered. It's something that we can --
 12 MR. CARRUTHERS: In this magazine here, there's
 13 an article that tells that there's year round demand but the
 14 supply is way short of the demand for the bull minnows.
 15 So, you know, it's a year round business.
 16 But then four months, if it gets real hot, it's
 17 over with for us for the minnows.
 18 Thank you, ma'am.
 19 DR. ASPER: Dale, did you have a comment on
 20 that?
 21 MR. DIAZ: Well, Buck is saying it's in
 22 Ordinance 7. But for commercial, it is ten inches is the
 23 minimum size limit for commercial.
 24 DR. ASPER: So it is in the statute. We can
 25 change that ordinance, though?

7

1 MR. DIAZ: It's an ordinance, yes, sir.
 2 MR. BUCHANAN: Yeah, I looked into it earlier.
 3 You can change a couple of -- I'm sorry. I'm Buck.
 4 There's a couple of state statutes that you
 5 could change if you so desired. Not state statute --
 6 ordinances that would, you know -- you could make an exception
 7 to the ten inch rule to people who are harvesting for live
 8 bait, if you so desire to do that.
 9 Enforcement, I don't know if they've got
 10 anything to say about it, but they may want to say something.
 11 MR. DRUMMOND: Is that the minimum size, Buck,
 12 ten inch?
 13 MR. BUCHANAN: That's the commercial limit.
 14 State statute deals specifically for selling
 15 bull minnows of -- they have to be in the family fundulity -- I
 16 mean they have to be (inaudible) because this is kind of
 17 different because this is not considered a cyprinid, but they
 18 have to fish below the CSX for these things.
 19 MR. GOLLOTT: Could we get staff to look into
 20 this? And you'll probably have to have some kind of maximum
 21 amount that they could catch, but since it would be live bait,
 22 you know what I'm saying, it probably could be controlled, come
 23 back to us with some recommendations on this, please.
 24 MR. BUCHANAN: Okay.
 25 DR. ASPER: I think that will be great. That

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1 way we don't have to rush.
 2 MR. CARRUTHERS: Thank you, gentlemen.
 3 DR. ASPER: Thank you.
 4 Next is Joseph Shubert.
 5 MR. SHUBERT: I'm Joseph Shubert. Mr.
 6 Carruthers pretty well covered it. I appreciate it.
 7 DR. ASPER: Okay.
 8 Joseph Ferguson.
 9 MR. FERGUSON: Good day. I'm Joseph Ferguson
 10 with Joseph's Trawl.
 11 I'm here to speak to you about the shrimp. Most
 12 everything eats shrimp, from amberjack to zebra mullets,
 13 oysters, whatever you want to call them, shellfish.
 14 Anyway, I spoke in December. I spoke in
 15 December about the industry and now --
 16 MR. DRUMMOND: I can't hear you.
 17 MR. FERGUSON: I'm sorry, sir.
 18 I spoke in December about the industry, how they
 19 used to catch shrimp with large seines. And I've seen pictures
 20 of schooners come in with the boat decks loaded. And I spoke
 21 about how -- I spoke on the difference in the trawl made. The
 22 trawl made a difference in the seafood industry. We started
 23 killing everything off. We started getting smaller industry
 24 over time. After Camille, the factories didn't come back
 25 because there wasn't enough seafood to process. We still had a

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1 few factories. After this last storm, we even got less
 2 factories now.
 3 I'm a netmaker. When I started in this
 4 business, I know of four net shops that were working here in
 5 Mississippi. Today, I know of one, and that's mine.
 6 I'm not saying there's not other people making
 7 nets. I'm sure there is.
 8 The future calls for a sustainable seafood
 9 initiative. Shrimp almost like an endangered species should be
 10 protected when they reproduce. And that's not just after they
 11 spawn, that's before they spawn because you got to have adults
 12 to spawn.
 13 The net really does tremendous things to a spawn
 14 after they spawn. And the juveniles, as they go through the
 15 net, the net will catch them behind the head and kill them,
 16 pops their head off.
 17 The larvae, nets stick to the larvae, stick to
 18 the nets. And then they pull up the nets, and then you have
 19 larvae in the nets, and they shake the nets down, larvae is all
 20 over the boat deck. If they don't wash them down, they're
 21 dead.
 22 So I believe that shrimp need to be protected
 23 during this time period.
 24 The laws are set up to close the shrimp season
 25 at the end of December and then to reopen when the juveniles

10

1 start coming out of the estuaries. There is some species of
 2 shrimp that's still coming in at this time.
 3 I understand that we want to harvest the brown
 4 shrimp are usually first, and then you have white shrimp, and
 5 then you have others. You know, they have pinks, and they have
 6 the hoppers. The hoppers are usually last. They're last to
 7 come out of the estuaries as far as commercial shrimp is
 8 concerned.
 9 I believe if you protect these shrimp we can get
 10 maximum yield out of them. That way the fishermen can make
 11 more money, the factories can make more money, the state can
 12 make more money, of course, me, because I depend on the
 13 fishermen to buy my nets.
 14 And that's about all I have to say.
 15 Oh, one more thing. One more thing at the
 16 bottom here. With the larger shrimp population, the rest of
 17 the seafood out there, fish, crabs, whatever, would be able to
 18 produce more themselves because they have more food to eat.
 19 Shrimp is a vital food for all seafood and for us on land.
 20 Thank you.
 21 DR. ASPER: Thank you.
 22 MR. TAYLOR: I'd like to just make a comment on
 23 that.
 24 Part of the problem is not with the shrimping
 25 industry itself here on the coast. It's basically the imported

11

1 shrimp.
 2 You know, our local fishermen can't compete with
 3 basically farm raised shrimp. And if you talk to any factory
 4 owner, they'll tell you that the restaurants and the places
 5 want normally the cheapest product for the same size.
 6 So that's part of the problem, in addition to
 7 what you're talking about. I don't know if there's anything
 8 that can be done about that other than something that's out of
 9 our hands.
 10 MR. FERGUSON: Yes, I agree with you there.
 11 I must say, though, that protecting our local
 12 shrimp will help with the fish. I've said this. Not just the
 13 harvest. The harvest, a lot of people depend on the harvest,
 14 including the state. State used to make a lot of money on the
 15 seafood industry here which has collapsed over the last -- my
 16 lifetime, at least.
 17 Because like I said, I'm the only net shop
 18 that's still open that's still taxes for the state. You know,
 19 there was four when I started in this business, like I was
 20 saying. I'm repeating myself, but I want you to understand
 21 that. Look at the factories that's gone. There used to be a
 22 lot of factories making money for the state, too. I want y'all
 23 to understand that, you know, this industry used to be huge,
 24 you know.
 25 And I know I call for wide range of time to be

12

1 closed, but in order to protect the shrimp so we don't have
2 this cascade failure like we've been doing over the -- not this
3 past year and years before because I've been in this industry a
4 long time and have seen it many times. And I could explain it
5 to you and show you graphs and charts, but I only got three to
6 five minutes, you say, so I can't do that.

7 And so, you know, I might could make something
8 up one day and be able to show you and get on the agenda. I
9 read on there somewhere that the public can get on the agenda.

10 And so, I'm just trying to save an industry
11 that's dying, and it's dying fast because even in my lifetime
12 I've seen it.

13 My mentor said the same thing, but he's long
14 gone now, Steve Renovich (ph.). And he said the same thing, in
15 his lifetime he saw it decline heavily. Of course, he's lived
16 a long time in this industry.

17 My time has been short, probably be shorter than
18 his.

19 Thank you.

20 DR. ASPER: Thank you.

21 And the last one we have here is F.J. Eicke.

22 MR. EICKE: I'm not here as a member of CCA.

23 I think our membership would be very interested
24 in the mullet question, though.

25 But at any rate, we have on the agenda today a

13

1 record with regard to the Mako shark. And it's been well
2 publicized in the media that there was a shooting involved in
3 the landing of this fish which, as was pointed out by another
4 little article that appeared in the Sun Herald, I think, would
5 violate IGFA standards.

6 Now I realize that the department and commission
7 do not follow IGFA standards and therefore the recognition of
8 this catch is within the guidelines as specified.

9 But it's something that the commission ought to
10 think about in terms of adopting IGFA standards because those
11 are the world standards by which fishermen record records.

12 The other thing that while doing that, and even
13 if you don't come to that conclusion, that the current rules
14 that are promulgated by the commission and by the department
15 are sufficient, it would really be advantageous from a sporting
16 standpoint with regard to fishing to recognize categories such
17 as juniors, by gender male and female, and possibly others as
18 far as line class or such, to make recreational fishermen and
19 their families more aware of what recreational fishing is, that
20 it's a sport above all even though we sometimes think of it as
21 a filling the freezer.

22 But, it's a simple thing, and it's why the rules
23 exist, and everybody likes a trophy. But that trophy has to be
24 recognized under some guidelines.

25 IGFA has those standards well available through

14

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

6 Thank you.

7 DR. ASPER: Thank you.

8 That's the end of public comments unless
9 somebody else I missed.

10 We'll move on to the executive director's
11 report.

12 E. Executive Director's Report

13 DR. WALKER: I don't have anything, Mr.

14 Chairman.

15 DR. ASPER: And to marine patrol.

16 F. Marine Patrol

17 MR. CHATAGNIER: Good morning, Mr. Chairman,
18 commissioners, Dr. Walker, legal.

19 We've been out working again. We had a few
20 possession of illegal oyster cases from people that were out
21 cooning oysters. And one particular person here who failed to
22 notify us that he was going to go out and work his reef as
23 required by his permit.

24 Saltwater fishing has been down. At least, the
25 license have.

15

1 And one undersized redfish. And we had a case
2 with possession of fish filets coming in from federal water.
3 That particular case right there we'll scratch, and we're going
4 to bring to the commission on the administrative penalties.

5 Boat and water safety violations are down.

6 There wasn't a lot of boating activity this last month.

7 Hunting season was still going on. It's closed up pretty much,
8 so I imagine more people will start boating now.

9 And we taught one boat and water safety class in
10 Pascagoula High School, certified 15 students.

11 Fortunately, we only had one boating accident.

12 It was no injuries. It was a boat fire.

13 No fatalities.

14 Did 46 JEA patrols, utilized 838 man hours, made
15 237 contacts, and we issued 16 state citations during those
16 patrols.

17 DR. ASPER: Okay. Any questions? Thank you
18 very much, Chief.

19 We'll move on now to fisheries. Dale.

20 G. Marine Fisheries

21 MR. DIAZ: Good morning, Dr. Asper,
22 commissioners, Dr. Walker, Ms. Chesnut.

23 I want to mention a couple of items before I
24 start calling fisheries staff up here.

25 As you know, last August after the Bonnet Carre

16

1 Spillway opening, we filed a request with NOAA asking for a
2 federal fisheries failure declaration for oysters and crabs.

3 During the fall, we had lots of comments from
4 shrimpers about low catches. So we have been monitoring
5 landings each month.

6 Total landings by month are not low enough to
7 meet the federal criteria. However, we just received
8 preliminary landings data that separates inshore landings from
9 offshore landings.

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

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

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

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

24 Next I wanted to mention, we have submitted to
25 DEQ a new natural resource damage project that would include an

1 oyster cultivation activity and an oyster relay project.

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

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

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

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

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

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

25 With that, first up for marine fisheries is

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

3 3. Oyster Update.

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

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

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

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

21 Number 4 is Henderson Point.

22 Number 5 is the Square Handkerchief area.

23 Number 6 is Telegraph reef area.

24 Number 7 is the Pass Marianne area.

25 Number 8 is Telegraph.

1 Number 9 and 10 are the Pass Marianne area.

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

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

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

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

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

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

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

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

11 This picture doesn't show up very well, but this
12 is one of the areas where we're having heavy hook mussel
13 infestations. And if you haven't seen those up close, you'll
14 have a cluster maybe 12 inches across, and you have to take a
15 hatchet to cut down to the oyster. And there might be a live
16 oyster in there, might not be a live oyster in there.

17 But they're having to compete against the hook
18 mussels for whatever food filtration that they're going to get.

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

1 the growing area.

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

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

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

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

20 And so they wanted to do this dye study which
21 we're looking at the time of travel and the dilution analysis.

22 And if you were able to see that area, it turned
23 the water blood red. And that dye is not harmful to any fish
24 or humans. And it's commonly used throughout the country to
25 determine these or determine what -- where the flow of the

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

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

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

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

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

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

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

1 water from this bayou would be.

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

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

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

13 And here is another picture of Joe's Bayou.
14 It's a real pretty location. That goes right alongside where
15 the Hollywood Casino is at.

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

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

20 Looking at the oyster license sales and actions
21 that we have had over the previous two seasons and for the
22 2010-2011 season, the commission -- and I'll paraphrase this --
23 authorized the executive director to suspend license sales
24 through the end of the 2010-2011 oyster season if there is an
25 unusual increase in license sales and it is necessary to

1 conserve the fishery resource and to notify the commission of
2 such action.

3 And during that year, the commission set aside
4 the period of April 1 to 30 reserved for the sales of the
5 2009-2010 license year holders to purchase the same number and
6 type license held last season.

7 So that was set aside that one month for letting
8 the people renew their existing licenses.

9 Last year, the commission authorized the
10 executive director to monitor license sales and limit sales if
11 needed and notify the commission, which we did.

12 And we were asked about, you know, if we would
13 have any recommendations for this season. And those are some
14 of the considerations that we would -- you know, if the
15 commission would so desire that would need to be considered.

16 To hold the licenses to the current 2011-2012
17 levels by category.

18 Renewals which would be the same number and type
19 only during the month of April of this year, then the remainder
20 on a first come first serve basis.

21 If a dredging license was surrendered to
22 purchase a tonging license due to the license moratorium, the
23 purchaser may choose the type of license to purchase.

24 And then a provision for hardship cases.

25 MR. TAYLOR: How much is an oyster license?

25

1 MR. GORDON: Oyster licenses vary depending upon
2 the type and whether you're a resident or nonresident.

3 MR. TAYLOR: Resident.

4 MR. GORDON: Resident is \$50 for a tonging
5 license and \$100 for a dredging license.

6 And then they have the captain's license
7 requirement which is about \$10.

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

11 MR. TAYLOR: Second.

12 DR. ASPER: Any further discussion? Those in
13 favor say aye. Carries unanimously.

14 MR. GORDON: Thank you.

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

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

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

23 MR. DRUMMOND: What are they doing?

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

26

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

6 That's real shallow water. But it is
7 encouraging to see oysters in those particular areas.

8 And then we are every month collecting water
9 samples. In fact, I have had them increase the number of water
10 samples for a coupler of these areas, specifically the
11 Graveline Bayou area and also in the Grand Bay NERR.

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

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

15 DR. ASPER: Thank you, Scott.

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

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

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

25 And that type of cultivation can be done any

27

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

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

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

14 That sounds good. Thank you.

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

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

18 4. State Records

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

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

25 There's the fish and Mr. Temple.

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1 The second is for Shortfin Mako, Isurus
 2 oxyrinchus. It will be a new record of 550 pounds caught by
 3 Tim King.
 4 Mr. King and the Mako.
 5 The third is for fly fishing. We have a record
 6 for Black Drum, Pogonias cromis. The old record of 41 pounds 8
 7 ounces. Will be a new record of 58 pounds 0 ounces caught by
 8 Thomas Dempsey.
 9 There's Mr. Dempsey and his black drum.
 10 Any questions?
 11 MR. DRUMMOND: Let me ask you something about
 12 these first two. The Bigeye Tuna and the Shortfin Mako, are
 13 those considered as state saltwater fishing records?
 14 MR. PORCHE: Yes, sir.
 15 MR. DRUMMOND: They're caught way offshore.
 16 MR. PORCHE: Yes, sir. The way it reads is in
 17 adjacent waters to Mississippi.
 18 MR. DRUMMOND: Adjacent waters. Okay.
 19 MR. PORCHE: Yes. And it has to be landed here
 20 in the state.
 21 DR. ASPER: Is there a motion to approve these
 22 records?
 23 MR DRUMMOND: So moved, Mr. Chairman.
 24 DR. ASPER: Is there as second?
 25 MR. GOLLOTT: Second.

1 DR. ASPER: Those in favor say aye. Carries
 2 unanimously.
 3 Just before you leave there, would you like to
 4 comment on what F.J. brought up about the shooting regulation?
 5 And obviously these were captured under the existing rules, so
 6 that's not an issue. But do you think we should establish
 7 something like that?
 8 MR. TAYLOR: I fish mainly tournament fish for
 9 marlin, sailfish, and stuff. And all the tournaments that we
 10 fish use the IGFA rules. It's all the standard that is set.
 11 And I would like to see us -- and I'm not making a motion --
 12 maybe adopt the rules and also the line class and the female
 13 thing. And I'll be glad to work with Buck and whoever to do
 14 that.
 15 But I would like to see that because that's not
 16 a fish caught in a sporting manner when you shoot a fish. It's
 17 what we have to work with, you know, now because of the
 18 regulation. But I would like to see us get closer to that, if
 19 not adopt them. Be glad to work with you all in any way if we
 20 decide to go that way.
 21 DR. ASPER: Okay. Thank you.
 22 We'll now move on to coastal ecology. I don't
 23 see Jan.
 24 H. Coastal Ecology
 25 3. Bureau of Wetlands Permitting

1 MS. BRANTLEY: No, Jan is at the DEQ permit
 2 board meeting. He serves on that permit board, and they meet
 3 today.
 4 So coastal ecology only has one item on the
 5 agenda. It's a petition for reconsideration of a permit
 6 modification that was issued last month by the commission. And
 7 Greg Christodoulou will be presenting that.
 8 a. City of Bay St. Louis
 9 MR. CHRISTODOULOU: Good morning, commissioners,
 10 Dr. Walker, Sandy.
 11 This is a petition for reconsideration for the
 12 City of Bay St. Louis. It's located on the Bay of St. Louis
 13 between CSX railroad bridge and DeMontluzin in Bay St. Louis.
 14 It's in the commercial fishing and recreational marinas
 15 district. And the agent is BMI Environmental.
 16 Project location: Just north of CSX railroad
 17 bridge, Highway 90 bridge.
 18 Last month, the commission approved a
 19 modification to the municipal harbor project. And the project
 20 description basically was a structural design of a couple of
 21 structures, the flow-through breakwater structure, and a
 22 central pier platform that was originally pile supported, and
 23 they've asked to change that to a fill area.
 24 On a timely manner, the three individuals, Mr.
 25 Chris Lagarde, Amy Kramer, and Carroll Gordon, filed a petition

1 for reconsideration for the commission's ruling.
 2 And the commission has four options on this
 3 petition:
 4 You can basically grant or deny the requested
 5 action without further argument.
 6 You can request a response from DMR prior to
 7 making a final deposition.
 8 Set the matter for an evidentiary hearing.
 9 Or make further orders as it deems appropriate
 10 under the circumstances.
 11 DR. ASPER: I think the key consideration here
 12 is what new information has been brought out.
 13 Could you go over what new information has been
 14 established by this petition?
 15 MR. CHRISTODOULOU: Basically, I can go through
 16 the --
 17 MS. BRANTLEY: First of all, I wanted to read a
 18 letter into the record. We received this by e-mail from Ms.
 19 Amy Kramer, and she asked that it be read into the record. She
 20 was unable to attend because of jury duty. And it covers some
 21 of the points that were in the petition that you got in your
 22 folder. It does bring up a few new ones.
 23 This is dated February 13, 2012. It's addressed
 24 to the Mississippi Department of Marine Resources, and states:
 25 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 The redesigned contract is based on a design
9 study by the engineering firm of Moffat & Nichol. The elements
10 of the redesign are reduction in the size of the largest
11 vessels to be moored from 70 feet and 80 feet to 45 feet, 50
12 feet, and 60 feet, increase in the loss of habitat by expansion
13 of the fill area and increase in structure. The tidelands
14 lease was negotiated with the Secretary of State.

15 The following comments from citizens have not
16 been addressed:

17 The terms of tidelands lease agreement deny any
18 economic benefit to the City of Bay St. Louis. The primary
19 purpose of the harbor project has been nullified.

20 The harbor creates unmitigated filling of
21 waterbottoms and wide irreversible destruction of wetlands that
22 are habitat for endangered species without contributing to the
23 economic value of the city.

24 The harbor destroys the aesthetic value of
25 pristine shoreline for no useful commercial value to the city.

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1 no large luxury yachts as specified in the harbor design.

2 The date of public notice of the redesign before
3 the holidays and reporting date the day after a four day
4 holiday deprives the public of due process.

5 Response to the U.S. Arm Corps of Engineers'
6 public notice had not expired at the time of the permit
7 approval date.

8 The harbor plan and environmental assessment are
9 incomplete and incompetent.

10 In light of these deficiencies and addressing
11 public comment, we request that approval of the redesign permit
12 be denied.

13 And this letter is unsigned, but it was received
14 from Ms. Amy Kramer's e-mail address.

15 MR. TAYLOR: Your recommendation is to deny the
16 request -- petition for the reconsideration?

17 MR. CHRISTODOULOU: Yes, sir. We have prepared
18 a response to the comments. This was an earlier letter. This
19 letter we just received yesterday, so we didn't have time to
20 respond to every single comment in this one, although some
21 overlap with the initial letter that was received during the
22 petition period.

23 MR. TAYLOR: There is also a letter from
24 Department of Archives & History denying it, also.

25 MR. CHRISTODOULOU: Yes, sir. They're saying

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1 Where the City of Bay St. Louis loses any
2 potential profit, it retains the liability for financial
3 operating loss.

4 Lack of enforceable agreement with CSX Railroad
5 for passage through the bridge in emergencies exposes the city
6 to liabilities from boat owners in emergencies.

7 The operating plan does not consider slip lease
8 terms with liability and hull insurance to protect the city
9 from cleanup and damage from storms.

10 The harbor design provides no access for vessels
11 45 feet to 60 feet to reach open water, a fact reinforced by
12 the Moffat & Nichol report.

13 The area to be dredged and filled is rich in
14 Indian culture, an area that has not been assessed by
15 Mississippi Department of Archives & History.

16 The environmental report does not address the
17 disturbance to the wildlife population over the total west end
18 of Mississippi Sound due to increase in noise, wave action,
19 increased turbidity, and atmospheric pollution due to the many
20 fold increase in boat activity.

21 The design does not consider the incompatibility
22 of the harbor with the local community. The Bay St. Louis
23 population is a community of people interested in fishing and
24 all water activities. The boats in the area are for the most
25 part between 12 feet and 25 feet stored on trailers. There are

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1 that they have reviewed the project.

2 MR. TAYLOR: I make a motion, Mr. Chairman, that
3 we follow the staff's recommendation.

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

5 DR. ASPER: Any further discussion?

6 I've got one quick question, and that is: One
7 of the claims in this letter is that the terms of the tidelands
8 lease deny any economic benefit to the City of Bay St. Louis.
9 Could you elaborate on that? Is that really
10 true, they're not allowed to charge slip fees or anything in
11 this? Is that what they're saying?

12 MR. CHRISTODOULOU: I'm not sure about the
13 Secretary of State's response to that.

14 As far as I know from what I've talked with
15 other harbors that the Secretary of State has allowed the city
16 to have the slip fees. And usually the Secretary of State
17 would get any lease monies from other amenities with it, but
18 not with the slip fees. That would be a question for the
19 Secretary of State's Office I would imagine.

20 MR. GOLLOTT: But doesn't Hancock County receive
21 a substantial amount of the tidelands funds?

22 DR. WALKER: Yes.

23 DR. ASPER: Any further discussion? Those in
24 favor say aye. Carries unanimously to deny the petition for
25 reconsideration.

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1 I believe that brings us up to the financial
 2 report. Is there anything else?
 3 J. Administrative Services
 4 2. Financial Report
 5 MS. VESA: Good morning. The report today shows
 6 the status of the DMR's budget as of January 31, 2012. On that
 7 date, we had spent a total of \$4,151,335 leaving a remaining
 8 balance of \$2,116,158.
 9 And tidelands still remains obligated.
 10 Are there any questions today?
 11 DR. ASPER: Okay. Thank you, Kara.
 12 With that, I believe we've completed the agenda.
 13 Is there a motion to adjourn?
 14 MR. GOLLOTT: I make a motion to adjourn, Mr.
 15 Chairman.
 16 MR DRUMMOND: I second the motion.
 17 DR. ASPER: We're adjourned.
 18 (Meeting adjourned 9:55 a.m.)

1 COMMISSION ON MARINE RESOURCES

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3
4 COURT REPORTER'S CERTIFICATE

5
6 I, Norma Jean Ladner Soroe, Certified Shorthand
 7 Reporter, do hereby certify that to the best of my skill and
 8 ability I have reported the meeting of the Commission on Marine
 9 Resources and that the foregoing 37 pages constitute a true and
 10 correct transcription of said meeting held on the 14th day of
 11 February 2012.

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

16 Witness my signature this the 1st day of March 2012.

