COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

October 18, 2011

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COMMISSION ON MARINE RESOURCES

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TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT
BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW
AVENUE, RICHMOND, MISSISSIPPI, ON THE 18TH DAY OF OCTOBER 2011
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
SHELLEY DOWNS
SERGE STANOSZEK
JIMMY TAYLOR

ALSO PRESENT:

DR. WILLIAM WALKER, Executive Director DMR
JOSEPH H. RUSSELL, ESQ., Asst. Attorney General
SONNY STOKES, ESQ., Asst. Attorney General

A. Call to Order

DR. ASPER: Good morning. I'd like to welcome everybody to the regular October meeting of the Mississippi Commission on Marine Resources. If those of you who are standing in the back would care to take a seat, that would be great. We've got plenty of excellent seats here in the front. They don't cost any extra. You can just help yourself. And there should be plenty of agendas in the back there so you can follow where we are going.

B. Approval of Minutes Commission Meeting

DR. ASPER: The first item is the approval of the minutes. Are there any corrections to the minutes as distributed? Or is there a motion to approve?

MR. GOLLOTT: So moved, Mr. Chairman.

MR. DRUMMOND: Second.

DR. ASPER: All in favor say aye.

C. Approval of Agenda

DR. ASPER: And next agenda item is the agenda. Are there some changes?

DR. WALKER: Yes, sir, Mr. Chairman, there are two.

One is, we need to add Agenda Item E-1 which is a resolution that we will ask you to consider adopting in support of the Restore the Gulf Acts that are going through the U.S. Senate and the U.S. House of Representatives.

And then Item H-3(b) we need to ask you if we would remove that from the agenda. The applicant has formally requested an extension in time and has promised to have written request here before the end of the day.

DR. ASPER: Okay. Any other changes?

Is there a motion to approve the agenda as modified with the addition of E-1 and the removal of H-3(b)?

MR. GOLLOTT: So moved, Mr. Chairman.

MR. DRUMMOND: Second the motion.

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

D. Public Comments

DR. ASPER: Next we move on to the period of public comments. And in order to participate in this, you're asked to fill out a form in the back. And we're going to restrict each speaker to a maximum of three minutes. If you have something you would like to bring to our attention, especially if it's not on the agenda, please fill one of those out, and I believe somebody is going to bring me the list.

None? Nobody filled out a form?

Okay. We have three speakers under the fisheries section, so those folks don't need to fill out a form.

While we have a minute, I'd like to welcome a special guest. Shane Gillespie is here. He is a Poplarville High School student who is shadowing me for the day, so I have to be on my best behavior, and I told him I have to pretend like I'm working today.

DR. WALKER: I may add, Mr. Chairman, that Mr. Gillespie was one year old when Dr. Asper was appointed the chairman of this commission. Not that he's been here very long.

DR. ASPER: Thanks for making my day.

Okay. Looks like we have just one. Johnny Trong (ph.). Please come to the podium and state your name clearly, and you have at least three minutes to tell us what's on your mind.

MR. TRONG: My name is Johnny Trong. And I'll make this brief.

My concern is a few days ago in the local media, local news channel, and the newspaper reported that there was tar balls on Horn Island.

My biggest concern not only for the fishermen (sic) because their livelihood depends on the Gulf of Mexico, but because it's basically our economic engine of this area, but it's also the concern of the citizens that live along the Gulf Coast.

Oil beneath the surface of the ocean is just as damaging as oil that's on the shoreline. So my concern is:

What are we doing to mitigate this damage? Not only that, but...
MR. TRONG: What are we doing to bring awareness to our fishermen (sic) so that they can bring safe seafood to the harbor?

DR. ASPER: Thank you for your concerns, Johnny. We are also very concerned about that. I can tell you a couple of things about that.

One is that it's really hard to detect oil on the sea floor. Most of the methods that we use to detect oil in the ocean are optical. That means they have to be able to see through the water. So none of them work in the murky water near our islands and coast, so it's really hard to do.

But what is going to happen in the next couple months is that BP has sponsored a program called the Gulf Research Initiative. And it's a $500 million dollars over ten years program to study exactly this kind of problem and also look at the best ways of restoring the fisheries and dealing with the ongoing impacts of the spill.

About six and a half million dollars of that money is coming to University of Southern Mississippi, and we are going to be going out and doing all kinds of really interesting research projects specifically looking at oil on the sea floor.

So help is on its way. It's going to be slow, and it's going to be a little tedious because it takes a while for these research programs to spin up and then results to come in. But we are very much aware of the problem, and we're doing everything we can.

MR. TRONG: Another thing I want to kind of bring up is: How could we put the fishermen (sic) to work? Like, how can they take part in being a part of this research? Because right now, none of them are working. Like, there's nothing out there for them to harvest. So how can we employ these fishermen (sic)? Or like is there -- who can we report to so that they can start a signing up process? All of them are qualified. They know the waters out there. They know all the routes. So how can we employ these fishermen (sic) that are available to work?

DR. ASPER: That's a really good question. One of our limitations in doing this research, especially in shallow water, is research vessels because in the academic world, we don't have very many vessels that can get us out there to get bottom samples. And I believe you do.

MR. TRONG: Yes.

DR. ASPER: Maybe we need to get together and discuss possible collaboration. That would be a really useful collaboration for a lot of reasons. So we can talk about it afterwards.

MR. TRONG: And with this excess amount of funds available, you know, it can definitely help the fishermen (sic) in this time of need.

DR. ASPER: Okay.

MR. TRONG: Thank you.

DR. ASPER: Last call for public comments.

MR. TAYLOR: Vernon, do you know if the oil -- the tar balls have been tested to see if it is from The HORIZON or not?

DR. ASPER: Some of them have, yes. And for the most part, it sort of looks like that's where it's coming from. But what to do about it is really unclear at this time.

DR. WALKER: Mr. Chaiman, before we get off this subject, let me just say that Mr. Trong brought up seafood safety.

I want to make sure that folks understand that while tar balls, which is weathered oil, are going to be washing on the shore of our barrier islands for a long time, probably years, the seafood from the Mississippi area and adjacent areas has been tested more than any food product in the history of this country. And there's never been a single sample that has come back contaminated at any level near the level of concerns that are out there that have been established by the Food & Drug Administration.

So seafood in Mississippi and seafood from the Gulf is safe to eat.

DR. ASPER: Thank you.

MR. POWER: My name is Jeffrey Power. I'm a commercial fisherman myself.

And I just have to ask -- I would just like to ask y'all one question.

A few days ago, there on the news, too, they were talking about the larvae that the shrimp and the other crustaceans live off of and them being mutated.

And I would just like to know if y'all know anything about this. Are they doing any research on this? Because the shrimp that left that go out to spawn or whatever, they can go back. And it wasn't because of the water, the floods. The shrimp weren't there beforehand before the floods came.

And I'd just like to know: Do y'all have any input on that or y'all know anything about these -- this larvae that's being mutated that the shrimp are living off of?

DR. ASPER: We read about that. I'm not personally aware of any research that's being conducted, but I expect the folks at Gulf Coast Research Lab are on top of it because that's the group that would be doing that.

MR. POWER: Well, it seems if that's the case, then shouldn't that be a big red flag that if that's the food source for our shrimp and it's being mutated, then something's happening to the shrimp itself?

DR. ASPER: If that is indeed the case, yes, that would be a concern. It's one of the many things that are reported that we have to check out.
Thank you.

Mark?

MR. STEWART: How you doing this morning? Mark Stewart, commercial fisherman.

I just want to make a couple of comments basically. There's a lot of stuff going on with deformed shrimp and all kind of no eyes and no tails and no legs and little crippled legs on the bottom of them. And, you know, stuff to do genetically changes with the bull minnows and stuff. And we are not seeing any shrimp.

Are any of these things a concern besides seafood safety?

Everything looks good. It don't look good in my world.

DR. ASPER: All of these things are concerns. All I can say is that we check out all of the reports that we have. We do routine sampling. We are doing what we can to try to understand exactly what's going on.

MR. STEWART: Yeah, the fishermen would like to know what's going on, too. We're sitting here doing nothing. Nobody else is pushing the issue to see what's going on with us. I mean, I don't know what to think about it. None of the other fishermen know what to think about it, either. We never been faced with this before. No shrimp. Three and a half months I haven't been able to make a dollar. How do you keep paying your bills?

MR. BOGARDE: I've been working with Traci and Dale over the last few months. I've seen the same thing you're seeing. And we are working now to do what we can to try to document this.

We've asked for some additional testing, some folks to go out and do some tours aboard commercial vessels.

We're working on it, believe me.

MR. STEWART: You can't get much samples around here. I mean, drag all night for maybe a -- you might get a hundred pounds if you drag all night the boats that are going. It's just not right.

MR. BOGARDE: I hear the horror stories. I know what --

MR. STEWART: There's a lot of stuff being brought to the people's attention in Louisiana that's not making it around here. I mean, it's steady on the news about the deformed shrimp and no shrimp and seafood shops closing their doors down. If a couple of seafood shops close their doors, you know, what are we going to do?

MR. BOGARDE: And part of what we're going to do today is the trip ticket system. That would definitely help us to document what's going on in this bay where we can see where the production is or is not, who's going, what they're doing.

Hopefully we can accomplish that today.

MR. STEWART: Yeah. One other thing I wanted to make a comment on was during Cruisin' the Coast, there was a pamphlet in there, it's a BP sponsored thing at the Coliseum, seafood safety. It was sponsored by BP and their partners. It went on to say the Department of Marine Resources is BP's partner.

I find that to be a slap in the face. Disgusts me. BP and their partners, the Department of Marine Resources, That's a slap in the face to the fishermen.

Thank you.

DR. ASPER: Thank you, Mark. Appreciate your comments.

We've move on now to the executive director's report.

E. Executive Director's report

DR. WALKER: I don't have anything this morning, Mr. Chairman.

DR. ASPER: Who is going to handle E-1?

1. Resolution

MR. KINNELL: Good morning. This is the resolution that Dr. Walker added to the agenda earlier and approved by the commission.

This is Commission on Marine Resources Resolution Number 101811-01.

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

Whereas, said service includes the management and enforcement of any matters pertaining to Mississippi's saltwater aquatic life and marine resources; and

Whereas, the Mississippi Commission on Marine Resources recognizes the economic importance of the seafood industry from the Mississippi Sound; and

Whereas, on April 20, 2010, an explosion and fire occurred on the DEEPWATER HORIZON drilling platform in the northern Gulf of Mexico causing the loss of life, the destruction of the rig, and a massive oil spill; and

Whereas, the oil spill has resulted in environmental damages to the ecosystem and economic damage to the entire seafood industry in the Gulf of Mexico; and

Whereas, the full effects of the oil spill have yet to be determined; and

Whereas, resources will be needed for years to come to continue the process of combating the environmental and economic damages; and

Whereas, the Restore the Gulf Act of 2011 provides among other things that 80 percent of the Clean Water Act penalties assessed to BP or any other responsible party be dedicated to the restoration of the Gulf Coast.

Now therefore be it resolved by the Mississippi...
Commission on Marine Resources in a duly constituted and assembled meeting that the Commission supports the passage of the Restore the Gulf Act of 2011 and calls for the swift passage and enactment of this very important legislation.

DR. ASPER: Thank you, Joseph.

I just want to comment that this is really an excellent piece of legislation, and we look forward to hopefully seeing it passed and seeing the impacts on our issues here, that the issues that have been brought up this morning about the impacts of the oil are long term impacts. Those studies require money, and the State of Mississippi doesn't have money. So we've got to find resources other places. And what this is asking is that when BP is fined for what they did, and they will be, when that fine money is disbursed, that -- I think it's asking for 80 percent of it to go back to the affected states.

So we're asking for basically a large sum of money to come back here, and it's restoration money. So that means that within certain limits, the states will get to decide how to use that money to restore the damage that was done, including the damage to the fisheries.

So this is one of many things that we're trying to do to generate some funding to solve these problems. And I would, among I'm sure many others here, recommend that we pass this.

Any other comments?

MR. GOLLOTT: Mr. Chairman, do we need a motion on this?

DR. ASPER: We certainly do.

MR. GOLLOTT: I'll make the motion that we accept this.

MR. TAYLOR: Second.

DR. ASPER: Any further comments? Those in favor say aye. Thank you very much. Passed unanimously.

Move on now to marine patrol. Chief.

F. Marine Patrol

2. Marine Patrol Report

MR. CHATIGNIER: Walter Chatignier. Good morning, Dr. Asper, commissioners, Dr. Walker.

Marine patrol has been busy. One of the violations that picked up quite a bit this last period was crab violations, the possession of sponge crabs, nonresident license, undersized crabs, unmarked crab traps, larcony of crabs and crab pots.

Fishing violations remain about the same as they have been. Still getting our share of people that won't buy a fishing license resident and nonresident.

Few undersized speckled trout cases and undersized flounder, red drum, undersized cobia. I mean, that was really way out of line. Somebody kept a nine inch lemon fish. I don't know what you can do with a nine inch lemon fish other than fertilize the plants with it.

We had a few cases with the sharks had the head and tails removed before they came in. And possession of red snapper during the closed season.

Boat and water safety violations are about the same. We had two boating accidents with injuries. One was a capsizing in Jackson County. And I believe a dove hunter coming back from one of the islands hunting doves, sunk his boat, lost his gun. The other one we had a sinking at the CSX Railroad bridge in Biloxi.

The JEA patrols, we did 37, used 643 man hours, made 285 contacts, wrote two enforcement action reports in federal waters. One of those I believe was a sewed up TED. And we issued 12 state citations during that patrol.

That's it for marine patrol activity report.

MR. TAYLOR: I had two people tell me they had got stopped by some of your officers this past month, and they were very courteous, and neither one got a citation. They had everything. But they were very courteous.

And a lot of times all you hear is especially with police officers or enforcement officers that -- you know, the bad things. But when we hear something like that, we need to bring it -- I forgot to get the names of the two officers.

MR. CHATIGNIER: Thank you. We want them to be courteous. They actually work for these people behind us.

MR. BOSARGE: I see we had three dead dolphins.

MR. CHATIGNIER: Yes, sir. I noticed that on the report, too. I was gone for a pretty good bit of the month on vacation, and I didn't get an update on that. But that's not un-normal sometimes.

MR. BOSARGE: Adult dolphins?

MR. CHATIGNIER: I don't know if they were adults or juveniles. I honestly don't know.

DR. ASPER: Any other questions?

Okay. On to the next item.

3. Title 22 Part 4

MR. CHATIGNIER: All right. Let me put my glasses on so I can see where I'm at.

This is Title 22 Part 4. This came to y'all last month on the proposed change for Sections 103 and 107 to remove the word Mississippi so we could allow recreational crab trap fishermen to check their crab traps from a boat that's not registered in Mississippi.

The notice of intent went out, publicized.

We had one comment. That was the CCA, and they were in favor of it.

The public participation portion criteria was not met to make it go out to a public hearing.

So what I'm asking today is a motion for the.
final adoption of the proposed rule to allow recreational
fisheen to check their crab traps without having to be in a
Mississippi registered vessel.

MR. TAYLOR: I'll make the motion.

DR. ASPER: Is there a second?

MR. BOSARGE: Yes, sir, I will second.

DR. ASPER: So the motion is made to modify
Title 22 Part 4 to remove the word Mississippi.

Any further comments? Those in favor say aye.

Those opposed. Carries unanimously.

MR. CEINTAINGIER: Thank you.

DR. ASPER: All right. Thank you.

Next we'll move on to marine fisheries, I
believe.

And I want to just take a moment to welcome all
of our Vietnamese community here. You're welcome to all of our
meetings, of course, but you're especially welcome to be here
today. It's good to have you. We need all of the input that
you can provide in terms of helping to ensure the success of
our fisheries.

G. Marine Fisheries

MR. JENETT: Good morning, commissioners, Dr.
Walker. Dale sends his apologies. He's attending a Gulf
States meeting on behalf of the Department of Marine Resources.
Before I get started, I want to make a couple of
announcements. We have closed the commercial red drum season
effective October 15.

Additionally, we have set a limited 2011-2012
oyster season that's set to open October 24 for tonging only.
If there's any questions?
If not, I'll move into the portion of the agenda
for marine fisheries. And first up is a presentation on the
trip ticket program by Ms. Christine Murrell.

3. Trip Ticket Program

MS. MURRELL: Good morning, everyone.

This is Title 22 Part 9 for final adoption.
This is the notice of intent which was passed on
September 20, 2011.

Here is the public notice, the Sun Herald legal
notice, the 27th of September, and the mass media release on
the 29th of September.

This is the web page notice marked for the 20th
of September.

Public comments. There were four comments
received, one from the CGC, two from commercial fishermen, and
a petition.

This was from the CGC, and generally it is in
favor of better data collection for commercial fisheries;
however, not really in favor of the trip ticket system. They
would like an advisory panel to be formed and maybe look at
this issue.

This was a public comment from -- one was from
Don Joost, and it was in favor of trip ticket. The other one
was basically just kind of critiquing trip tickets, didn't
really come out in favor of them, just wanted to give some
information about what would make them better.

This is a petition submitted on Friday, October
14, 2011. It contained 74 signatures against trip tickets and
limited entry.

There was a public hearing held October 12 at
6:00 p.m. here in this room. We had 161 total participants,
and they filled out a sign-in sheet and were asked whether they
were in favor of the proposed change. Eighteen said yes, 36
said no, 62 were undecided, and 45 did not fill out the sheet.
Four people opted to speak. Three of them spoke in favor of
the trip ticket program, and one person was undecided.

We had a large number of the Vietnamese
community come out for the public hearing, and I think there
was some confusion about what the meeting was about. I think
there was some confusion that maybe we were paying for people
to fill out trip tickets as we have in some of our disasters
previously.

And required is a motion for final adoption of
the proposed rule.

The summary of changes is changes to MDNR
Regulation Title 22 Part 9, the fresh product permit and
secondary fresh product permit and Chapter 6 which is the
reporting requirements.

And I can read these -- or would you like me to
read through them or just go ahead and discuss?

DR. ASPER: I think it wouldn't hurt to read
them.

MS. MURRELL: Okay. A licensed commercial
fisherman may only sell to a seafood dealer/processor. A
validly licensed commercial fisherman may sell their catch to a
consumer within the state if they have in their possession a
fresh product permit obtained from the MDNR. A secondary fresh
product permit may be obtained from the MDNR for a commercial
fisherman's spouse or family member that will allow them to
sell their catch to consumers while the commercial fisherman
continues to fish. There will be no fee for this permit.

This is the seafood reporting requirements.

I'll read it through. Unless otherwise specified, each seafood
dealer/processor is hereby required to complete Mississippi
trip tickets provided by the MDNR. Commercial fishermen who
sell their catch to individuals other than a Mississippi
dealer/processor are hereby required to complete Mississippi
trip tickets provided by the MDNR and be in possession of a
fresh product permit. Commercial fishermen who sell their
catch to anyone other than a Mississippi licensed
1 dealer/processor or transport their catch out of state are
2 required to purchase or possess a dealer/processor license and
3 are required to comply with all regulations governing
4 Mississippi dealers/processors. All trip tickets shall be
5 returned to the MMMR or electronically submitted on or before
6 the 10th of each month for actual transactions from every
7 commercial fisherman during the preceding month. A trip ticket
8 summary form that states the total trips taken in a given month
9 shall be submitted by the 10th of each month by the seafood
10 dealer/processor or commercial fisherman. The fisherman is
11 required to provide to the dealer complete and accurate
12 information necessary for the completion of the fisherman
13 portion of the trip ticket. This includes, but is not limited
to, commercial fisherman's name, valid license number, date and
area of harvest, trip and fishing time, proper vessel
identification, gear, quantity, and size used and applicable
mesh size if any of gear used, seafood dealer's name, date of
purchase, dealer license number, port and county product was
landed, species being purchased, weight, and any other
applicable standard condition of product, count, or market
grade of purchased seafood product and price paid per unit,
pound, or number per species. The seafood dealer/processor or
fisherman is required to verify the accuracy of the tickets by
signing each ticket. Menhaden seafood dealers/processors shall
provide information on catch in accordance with the

requirements of the National Marine Fisheries Service.
And those are the two major changes.

MR. BOSARGE: Christine, can I ask a couple of
questions?

Would you put up earlier about the public

comment being -- can you back up to that?

MS. MURRELL: Which one?

MR. BOSARGE: Public comment where you listed

how many people spoke.

I was told and I was under the impression that
there were a lot of folks at that meeting that thought that
meeting was for something other than this trip ticket system.

MS. MURRELL: Yes.

MR. BOSARGE: And I believe a lot of them filled
out a form that they weren't that familiar with. I wonder how
accurate your numbers are. We've got a lot of fishermen in
this room.

Could I see a show of hands the number of
fishermen we have here, actual fishermen?

Could I ask how many of you by show of hands,
how many of you fishermen want trip tickets, actually want a
trip ticket system in place that would actually help to
document what you're seeing right now with no catch in the
Mississippi Sound? We have no system to document what's going
on within the Mississippi Sound.

1 it's like now, I know it, all those fishermen out there know
2 it: We've got a problem within the Sound. I don't know what
3 it is, but we have a dead zone within the Mississippi Sound
4 that has persisted since the end of June. We have no way of
5 documenting it. This is one way we can document it.

With that --

MR. GOLLOTT: Well, you know, it all depends on
how you ask the question. I'm of the opposite opinion. I

can't see why a fisherman would ever want to fill out a trip
ticket.

The state collects this information from 90
12 percent of the dealers right now. And a trip ticket is just a
mirror image of an invoice which we make, and we furnish the
state with the information at the end of the month for our
fishermen. They don't have to stand there after being on the
water for 30 days. They're tired, they're aggravated. All
they want to do is unload their boats, get paid, and go home
and rest.

Why make them stand there and fill out some kind
of trip ticket? They're fishing for 30 days. They're fish in
100 different places. How can they tell you exactly where they
22 fished?

MR. BOSARGE: That's --

MR. GOLLOTT: Excuse me, sir.

The landings, the information is telling us that
1 we have a serious problem in Mississippi.
2 You know, our industry has been hit by dock
3 imports, Katrina. We lost 70 percent of the fishing fleet in
4 the Gulf of Mexico. We had that BP oil spill. We had the
5 freshwater diversion. This is the worst white season I've seen
6 or the worst shrimp season I've seen in 30 years that I've been
7 in this thing.
8
9 Outrageous fuel prices on top of that. The
10 fishermen can't afford to fuel their tank to go out and catch
11 shrimp.
12
13 You know, I think the only thing that the shrimp
14 industry hasn't been hit with is the bubonic plague, and I'm
15 looking around for that, you know.
16
17 We have good product. The scientists are
18 working hard on trying to come up with why there's no shrimp.
19 You know, it's terrible when there's not enough shrimp for our
20 recreational bait people to sell bait to the recreational
21 fishermen. That means -- you know, and I've asked the
22 commission to go up in the bay and see maybe if some of these
23 shrimp are up the bay.
24
25 But it's terrible, I agree with you. But for
26 the love of me, I look at this trip ticket thing, and I don't
27 see -- other than -- we're getting the information now that we
28 need from the processors and dealers. Other than the people
29 that's selling them to recreational and stuff like that, I
30 think we probably need a trip ticket system there. And let's
31 see if that information helps us. But...
32
33 MR. BOSARGE: It's like -- Commissioner Gollott,
34 it's like right now, if you ask Traci, which I'm sure she will
35 present in a little while, the landings data for the State of
36 Mississippi, it shows there are no problems. Matter of fact,
37 what I can see and what I've heard and what Traci has told me
38 is that our landings are actually up this year over where they
39 were last year.
40
41 Our testing that we do with the DMR's testing
42 boat shows that there is no problem with the waters of the
43 State of Mississippi.
44
45 And my argument, of course, with Traci is that
46 the landings reflect shrimp that are caught offshore, and
47 whether they be in the State of Texas, Louisiana, whatever, are
48 landed here in Mississippi. So you're seeing landings from
49 offshore, and then the testing that we are doing is done mostly
50 up in the estuaries where I'm not saying there's not a problem,
51 but there's not as big a problem within the estuaries as what
52 there is out in the middle of the Sound.
53
54 We have no means, no system in place to show the
55 problem that is there. This is the system. And here's a trip
56 ticket from Alabama. This is one we filled out. I've got one
57 from the State of Florida. We fill them out.
58
59 MS. MURPELL: We are the only state currently
60 that does not have a trip ticket program.
61
62 MR. BOSARGE: We are the only state in the Gulf
63 of Mexico south Atlantic that has no trip ticket system.
64
65 And, you know, me, I was actually asking -- one
66 that asked that this trip ticket, it be mandatory that this is
67 given to the fishermen. It's given to -- all those fishermen
68 fish Louisiana. Every time you go in, you get a trip ticket.
69
70 That's your receipt. That's who you are. That's what you did.
71 That's your receipt.
72
73 Anyhow, I just feel like I said before, we got
74 to catch up. We've got to catch up with the rest of the world.
75 This is information that needs to be had. Every fisherman
76 needs it. The state needs it. The fed needs it. It's not a
77 big deal. If every other state within the Gulf can do it, we
78 can do it.
79
80 MS. MURPELL: Funding is many times based on
81 landings. And when you're not collecting all sources of
82 landings, you're missing out on money.
83
84 And, of course, the information -- it won't be
85 just for shrimp. It will be for everyone.
86
87 MR. BOSARGE: We have mostly shrimpers here, but
88 it will cover finfish. I think crabs; it will pretty well
89 document crabs. I mean, any commercially landed species, we're
90 trying to get a hold on what's going on within the State of
91 Mississippi.
92
93 MR. TAYLOR: Can you take -- I asked for the
94 information, say, from a processor, when he gets that
95 information, incorporate it so he doesn't have to fill out a
96 piece of paper? Can it be done at the time when that shrimper
97 comes in, say, to -- I don't know if he's a processor -- I
98 mean, Steve, excuse me -- a processor or Richard or Rudy Lesso
99 or someone, you know, filling a piece of paper out is an
100 unneeded thing. It needs to be done to where it can be
101 transmitted, and we don't have another step with you filling
102 out a piece of paper or entering it in the computer. It needs
103 to be done at the point of contact with the fisherman so that
104 you don't have two or three steps. We're not having a
105 commission to pay someone to fill out, type all that
106 information in the computer, that's all.
107
108 MR. GOLLOTT: Christine, are you getting the
109 information you need now when you go around to these processors
110 and you collect this information?
111
112 MS. MURPELL: I'm getting most of it. I'm not
113 getting everything that we would ask for on a trip ticket. And
114 we're also not getting any of the shrimp that's sold off the
115 docks which has become a big amount over the years, especially
116 since the imports have driven the price down.
117
118 So we're not collecting any of that currently.
119 MR. GOLLOTT: The public hearing and the data
120 shows that the fishermen are not in favor of more paperwork.
121
N.J. SOROE, CSR #1297
So I'd like to make a motion that we accept your recommendation on your trip tickets, except Mississippi shrimp processors and dealers that are furnishing MDNR with catch information monthly will be required to continue, and MDNR will be required to collect the information as has been customary for the last decade for the shrimp industry. It will give you everything, and the dealers will be able to give you the information.

Now, what I'd like to see, if a shrimper wants to do trip tickets, furnish them to us, and our shrimpers will be asked do you want to fill this out, and we'll let him fill it out, even if they unload from a processor.

But the fishermen have a choice. If they want us to do it for them, we'll be able to do it for them.

MS. MURRELL: But only for shrimp processors and dealers.

MR. GOLLOTT: The fishermen that don't sell to a processor, they would be required --

MR. GOLLOTT: They still have to fill out a trip ticket.

MR. TAYLOR: I'll second the motion.

MR. GOLLOTT: That should give you the information.

DR. ASPER: So let me just make sure I understand what you're saying.

For all of the other fisheries, for crabs, for example, for hook and line fisheries, all these other commercial fisheries that we've got going on, the trip ticket program that has been proposed will be instituted.

MR. GOLLOTT: Yes, sir.

DR. ASPER: Okay. For shrimp, it will be instituted except that the shrimpers themselves will have the option of whether to fill it out or not.

MR. GOLLOTT: Exactly.

MR. TAYLOR: If they sell to a processor.

DR. ASPER: If they sell it from the dock, then they have to fill it out.

MR. GOLLOTT: But the dealers and processors will not have any option. They will have to furnish the information as required.

(COMMENTS FROM AUDIENCE.)

DR. ASPER: We can't have comments from the floor because it doesn't get recorded. I'm sorry. We really value your input, but it's a logistical thing here. Sorry.

But that's a good question. The question that was asked is what about the location.

And the question I have is about effort. One of the concerns we have is how much fishing effort is going on for the amount of product that is captured.

And I think that's one of the most valuable pieces of information that we can get. I think that's one of the intents of the trip tickets.

MS. MURRELL: Correct.

MR. GOLLOTT: I don't think a dealer or a processor would have a problem adding that to the report, the effort. They can ask the fisherman a question and fill it in on the report and run it for them.

MS. MURRELL: And the areas, it is recorded in a zone. It's not specific areas. It's a very general area.

MR. ROSARGE: If we do this in the manner that Commissioner Gollott requests, can we change -- I would be okay with it if two things: If we could change the form that they fill out to where it captures the information we need. Correct? And that also upon the request of the fisherman, he would get a copy of that trip ticket.

MR. GOLLOTT: Well, I said the same thing. If a fisherman wants to fill out a trip ticket, we will do it for him, let him sign it, we'll give him a copy, you know, if that's what he wants. But it's an option for a fisherman that's been working hard.

MR. ROSARGE: Well, then, can we basically --

MS. MURRELL: I have a motion that has an addition. It just says upon request, dealers/processors shall provide fisherman a copy of trip ticket at the time of transaction. We would have to add the part about the shrimp dealer/processor not -- well, they wouldn't be filling out a trip ticket. I don't know how that would work.

MR. JEWELL: We can do that.

MR. ROSARGE: So where are we at?

DR. ASPER: Well the motion that's been made and seconded that we basically establish the trip ticket system for all fisheries with the exception that the shrimp, for those shrimpers who are selling to a processor, they have the option of not filling this out.

MR. GOLLOTT: Dealer or processor.

DR. ASPER: It's a relatively small change, but it's specific to the shrimp fishery and specific to those who are filling -- selling to a dealer or processor, so the feeling is that those data are being captured currently and would be captured by the information provided by the dealer.

MS. MURRELL: Just to make sure, if a dealer does buy shrimp in addition to crabs and finfish, he would only have to fill out trip tickets for the crabs and finfish and not the shrimp?

DR. ASPER: The dealer still has to fill one out. It's only the fisherman himself who has the option of not filling out the trip ticket.

MR. ROSARGE: I don't think that's what Commissioner Gollott asked for. He's basically asking that
every other fishery and every other person fill out a trip ticket except for the processor and he continues to submit his data in the manner that he submits it in now.

And I have to ask, you know, Commissioner Gollott, I would guess, what would be the number of boats that you have working for you now?

MR. GOLLOTT: Somewhere around 50, 60 boats.

MR. BOSARGE: Fifty boats. And mostly Gulf boats?

MR. GOLLOTT: No. It's about 50-50. It's about half.

MR. BOSARGE: So, most of the Gulf boats, they start -- they average five trips in a year, that's about it. And most of those trips is -- I say most of them -- for the most part I would say half of those trips are unloaded in a foreign port. I know I was in Port Arthur, Texas, and I saw three of your boats tied to that dock.

I guess my point is: Exactly how many trip tickets do you feel you would be filling out in the run of a year?

MR. GOLLOTT: Christine could probably answer that. We don't give trip tickets. We give reports on every boat. It's the count of the shrimp, the price, all of the data.

MR. BOSARGE: I was just trying to imagine in my mind how much of a burden it's going to be to fill out that trip ticket. I mean, I see if you take 50 boats, and you take half of those are bay fishermen and half are Gulf fishermen, I can't imagine it being more than maybe one a day at the most of the trip tickets on average.

Anyway, I'm just trying to figure out in my mind why we have -- why the processors don't want to do this. I just can't imagine.

But I'm with you. If you don't want to do it, I would like to make an alternate motion where we allow the processors not to fill out, but that we give you the authority to add to their system that they have now that captures effort -- captures some of the things that we need and that also the sentence like you put in there now, add a sentence to what you have now basically that just gives you the authority to add to the reporting they do that captures days at sea, effort, landings, whatever else you may need.

MS. MURRELL: Okay. We can do that.

I would guess that maybe some of the processors may opt to fill out trip tickets anyway because of traceability, and that's become an issue. So...

MR. GOLLOTT: Christine, you've never had a problem working with the processors, asking them for information that they haven't given you. I'd like to leave that voluntary. If it doesn't work out in a couple of months, we'll revisit it.

MS. MURRELL: Okay.

MR. BOSARGE: And I'm not saying that she does have problems. I'm just saying that some of the information that she's gathering, she's not getting the information that she needs from the system that's in place. And it's not that there's a problem. I'm sure they're more than willing to work.

I just know that there is information that we need.

MS. MURRELL: There's other ways we can talk to the fishermen or -- you know.

MR. GOLLOTT: I don't think we need that in the motion.

MS. MURRELL: I think we can work through it.

MR. GOLLOTT: I'd like to leave my motion as it stands.

MR. BOSARGE: So you disagree with the motion of just adding to what's already there?

MR. JEMBELL: If I think I understand what you're asking for is that you would require -- you would ask to amend the motion to acquire additional information that would mirror the trip ticket program.

And we can work either way with the commission.

We can acquire that -- I think what Commissioner Gollott is saying is that we can work either way. We can work with an amended motion to get that information, or we can do it informally. It doesn't matter. We'll do whichever way the commission wants to move on that. We can do it either way, formally or informally, we can do that.

MR. BOSARGE: Can we still leave the part in about if the fisherman requests the trip ticket that you will provide it for him?

MR. JEMBELL: We can modify this language to upon request for the fisherman, we can do that.

MR. BOSARGE: Are you okay with that, Commissioner Gollott?

MR. GOLLOTT: Yes. I think that was in my motion that it could be a voluntary thing if the fisherman wants the trip ticket, a dealer or a processor would have to furnish it and take care of it in the proper manner.

MR. TAYLOR: Just one other (inaudible) you know, the computer guy that was doing the trip ticket and all. Has there been any progress on that to where again it could be seamless to where it comes direct to you all?

MS. MURRELL: Electronic trip ticket?

MR. TAYLOR: Yes. Like, you know, modifying some of the processors' programs to where when he punches in that invoice, it will come straight to you all and he doesn't have to modify --

MS. MURRELL: It depends on what system they're using. But sometimes, yes, it can be incorporated into theirs.
MR. TAYLOR: (Inaudible) work on that.

MR. ROGERS: And I believe the trip ticket system that we're putting in place has a software program that does just what he's asking for.

MS. MERRILL: Yes.

DR. ASPER: Is that all the discussion?

I think to make this really clear, we ought to have the official version of the motion read back to us.

Michaela, do you have the official version of the motion?

MS. HILL: Motion to approve staff's recommendation to adopt trip ticket system with the exception of shrimp dealers/processors. Shrimp dealers/processors will continue to utilize present system with shrimp fishermen voluntarily completing trip tickets that sell to dealers/processors.

DR. ASPER: Do we need to make any specific distinction in there for bait shrimp versus commercial shrimp?

As it's worded there, would this apply to both?

MR. GOLLITT: No. Bait shrimpers are different.

MS. MERRILL: Yeah. Bait shrimp is already under a trip ticket system, per se.

MR. ROGERS: And also upon request dealer will provide the fisherman with the trip ticket.

MR. JEWELL: Right. We'll put that in there.

We'll modify that language.

DR. ASPER: Okay. In order to make sure that all of the Vietnamese community understand this, Jennifer Vu has offered to come up and in the microphone explain exactly what we're doing here.

Is she still willing to do that?

Do you want to come up to the microphone just to make sure that everybody understands what's going on, because I know we've been going back and forth on this.

MS. VU: Good morning. Again, I'm Thao, T-H-A-O, my last name is V-U. My American name is Jennifer, and I'm with the Mississippi Coalition for Vietnamese American Fishing Folks and Families.

I think the first thing that I wanted to convey -- should be conveyed is to alleviate a lot of the confusion is that we should be addressing the language barriers here. And if we had interpreters at the onset of all these meetings, it would be greatly helpful. We could have an interpreter using simultaneous translation equipment that would be interpreting the same time as you, so any of the speakers are speaking or any members of the commission speaking. And that would alleviate a lot of the confusion because the previous meeting this past Thursday, the public hearing meeting majority of the fishers thought that the meeting was around a program, a similar program, that DMR implemented right after Hurricane Katrina that hired some of the fishermen to do some of the cleanup work or assessment monitoring work.

They thought it was a similar program where they were going to get compensated around $300 a day. That was not the agenda for that meeting. It was on this proposed trip ticket and your vote, commission's vote on this.

So I would really, you know, strongly advocate that you really address the language barrier first. The majority of the Vietnamese fishermen here, when they arrived in this country, they didn't get an opportunity to attain a higher education. They had to work hard to provide and support their families, and that's why we have a significant population with language barriers that need a lot of assistance. They need help with even a basic application.

They thought that the form to fill out for public comment was some kind of form where they could get financial help. And that's what happened last Thursday. They filled out the public comment form, but when it was time to speak, they were too shy to speak, or they didn't know what to say. And they thought it was a form where they could get actual help, and that was not the case.

MR. ROGERS: That's what I thought. I thought the results were skewed because they didn't understand the form.

MS. VU: Yes, exactly.

And the one thing that's really important is that the majority of the Vietnamese fishermen that live in Mississippi, they don't fish here. They actually fish in Louisiana. There are actually 70 boats that are federal permitted boats, they all go to Louisiana because they are shrimping in federal waters and it's deep waters. Okay?

So when you say about when -- and this season has been really terrible for fishermen. They're not talking about just Mississippi Sound. They're talking about when they go to Louisiana and they're not catching over there.

So I think that DMR should be coordinating efforts with the Louisiana Department of Wildlife & Fisheries to assess, to gather this data, and to look really closely to get good accurate data on what's happening, what they're not catching, or what they're seeing, what they're not seeing.

And I think that's something that you should be working closely with your counterparts in Louisiana on that effort.

I would turn around and interpret some of the things I said.

(Ms. Vu speaks to audience in Vietnamese.)

MS. VU: Okay. And I know I'm going back to the trip ticket, the proposed trip ticket, and your vote. I know for the past like 10, 15 minutes it was exchange back and forth on this trip ticket, and there was some concerns and issues...
And Mr. Collott, could you give me what was the final, you know, your concerns or comments on what the responsibilities for the processor?

MR. COLLOTT: Jennifer, I've been very close with the Vietnamese community on that. I'm telling you I'm trying to look out for the Vietnamese community.

The only thing I can ask you to do is meet with me after this meeting, and I will explain my position to you, and I think you will understand a lot clearer.

MS. VU: They were asking me if, you know, the position for the processors.

MR. COLLOTT: Like I said, I'll meet with any of you all after the meeting, and I will explain what my position is.

MS. VU: Okay.

MR. BOSARGE: Could we not have everybody hear what your position is, Mr. Collott?

MR. JEWELL: I think he's already stated his position.

MR. COLLOTT: I told you my position. But I can explain it to these people. I do speak the language a little bit. And I've been working with this community for some 30 years now. And believe me, I'm not -- we're not exempting trip tickets. It will be good for you. Any of my fishermen know they can come back to me ten years later; if they lose the information, we generate it for them. We give them reports. We help them with income tax, everything. We keep the books.

We keep records. It goes back probably 20 or 30 years.

I think it would just be inconvenient for a fisherman to have to fill out the same thing that I'm putting on his invoice. How many shrimp they caught, what size they are, what the price is. I print that out on a report at the end of the month so the fisherman doesn't have to stand there and do all this stuff.

And that's the only difference. I just -- you know, the fishermen have been burdened enough. We've got enough regulations on them, and we've got a lot of other things to do when I can push a button on my computer at the end of the month and it gives the department exactly what they're looking for. And we've been doing it for a long time. It's been sufficient.

And if the fishermen feel strong about the trip ticket, we'll make the trip tickets right there. They can fill them out. It will be no different. It will be inconvenient. But I would like to meet with you after the meeting.

MS. VU: Okay. Let me share that with them.

(Ms. Vu interprets to audience.)

MR. JEWELL: Here is what they need to know.
We need emergency money, funding money now, where we can. You know, we need it so bad because we have no food to set on the table. We have no money to pay bills.

I raise my kids, my children, from the shrimp business for them to college. At my age, I could find no job except shrimp boat. We have no shrimp. We have no funding money. Nothing. I don't think we can live without shrimp or without job.

Like you all, you all don't work 40 hours, you guys work 40 hours, 20 hour, you guys still get paid some of the money, but I don't.

If the shrimp boat not unload the boat, the work, we don't get paid nothing at all. But last I trip my boat went out, losing money every trip. I have no money to lose more. But the landing was high. I wonder where the shrimp coming from, they're so high.

You know, I wonder. I would like to know where the shrimp coming from.

I need answer. But I do have to do the trip ticket, the seafood dealer have to do the trip ticket, too, just to be fair. You know, it's wrong with the landings so high, but no shrimp at all.

You (inaudible) see they have some shrimp, not at all.

We need help what we can because we need the funding money now, emergency money. My mortgage, well, maybe the mortgage, I lose my house sure with the shrimp like this.

The landing were high. No money. Nothing. All the boat inside. Losing money. You know, it's wrong. It's not right.

The landing were high is wrong.

I wonder why. I want to know why. I have three license. Louisiana, Mississippi, Alabama. Three license every year. No shrimp this year at all. It's the terrible year I see. But like the landing were high. Why? I need to have the answer where the shrimp coming from.

Thank you.

MR. JEWELL: The next speaker up is Mr. Jefferson Nguyen.

Jefferson Nguyen?

He's not here.

The next speaker would be Mr. Tony Le.

Neither one of them are here, and someone wants to speak for him.

MR. DANG: Good morning, sir, ladies and gentlemen. My name is Tuan Dang, spelled T-U-A-N, last name Dang, D-A-N-G.

And I'm a fisherman myself. And I have a little bit -- well, since I'm a fisherman, I fishes off of Louisiana, Mississippi, and also Alabama. And this with this shrimp season, it's supposed to be -- well, as you can see, all these
1 fishermen out here, I mean, they're sitting here and attending
2 meetings here where they should have been out there shrimping
3 right now.
4
5 But as you already know, well, as you said, that
6 this is high in landing. But myself, I went out there five
7 time this year, and every time -- only one time that I made a
8 couple hundred dollars. And these are my trip, it was like
9 five days or seven days.
10
11 And I lucky that I make my fuel money back,
12 otherwise I'm going to either make the fuel cost or lost.
13 So I don't know how the landing is, you know, is
14 up high while our shrimp, our shrimp'er fellow here didn't make
15 any.
16
17 Beside 2010, this year I see the most boat
18 that's docked in the dock even this typical time of year.
19
20 And, of course, with the trip ticket, we need
21 like accurate, so that way we either fishermen or the seafood
22 processor, we need accurate information, so when it come to the
23 case that we need help, we need accurate data. We need help.
24
25 I will -- as Ms. Tran say that if we will get
26 like hours basis, if hours cut short, we still got some money
27 to feed our families. But unfortunately, with this shrimp,
28 they cannot go out there or they can go out there but they
29 haven't make any money, so they need help. We need emergency
30 help.
31
32 So I'm asking all of your help. Thank you.
33
34 MR. JEWELL: That concludes item G-4.
35
36 Next up on the agenda is G-5, shrimp season
37 update by Ms. Traci Floyd.
38
39 5. Shrimp Season Update
40
41 MS. FLOYD: Good morning, Mr. Chairman,
42 commissioners, Dr. Walker and Sandy. This is the shrimp season
43 update.
44
45 Currently in Mississippi, we have 523 resident
46 commercial shrimpers. This is on par with what we've seen in
47 the years since Katrina. We've had the hardships of foreign
48 competition, fuel costs, other things Mr. Gollett spoke of,
49 loss of infrastructure since the storm. We have about half of
50 the number of shrimpers we saw ten years ago.
51
52 And we have about 242 nonresident commercial
53 shrimpers, only 150 recreational shrimpers.
54
55 So for the 2011-2012 shrimp season, obviously
56 that was overshadowed by the Bonnet Carre Spillway opening on
57 May 9. Fortunately, we had drought-like conditions, good
58 conditions early in the year. We were able to have our
59 earliest opening every on May 25. The Bonnet Carre closed on
60 June 20, and we were able to open additional waters to
61 shrimp in Biloxi channel on August 26.
62
63 And just to backtrack, just to reiterate, we
64 have such decreased effort in this fishery, only 162 boats
65 counted on opening day compared to over a thousand ten years
66 ago. So many fewer shrimpers to catch the shrimp that may be
67 out there.
68
69 So we fast forward to the fall season. As we
70 all know, very low catches. Fishermen's reports have been very
71 bad. A few good ones here and there, but mostly very, very
72 poor.
73
74 Typically, we see Bryozan or sauerkraut grass in
75 the Sound this time of year. It's been especially bad this
76 year, compounding problems in the eastern Sound and over into
77 Alabama. Also, we typically see the moon jellies this time of
78 year, and we're seeing those, as well. So that's increased
79 hardship.
80
81 We do coordinate with the other Gulf states,
82 Alabama and Louisiana. Obviously Louisiana is having a hit and
83 miss hard time. Texas is doing pretty well from what I
84 understand. And Alabama's season is picking up.
85
86 Certainly from what we've heard today, that's
87 not enough to change the direction of the season so far. But
88 that is what we're hearing.
89
90 Of course, we also go out with our Mississippi
91 commercial shrimpers and on observer trips where they host us
92 on their boat. We're seeing, of course, exactly what they're
93 reporting in inshore waters, very low catches in August and
94 September, very low, only 30 pounds per trip, but nice size
95 white count shrimp, 15, 20 count size.
96
97 Next I want to look at some of our samples. And
98 keep in mind, these are just snapshots at historic locations,
99 at our historic sampling stations. These are ten minute tows
100 with 16 foot trawls, nothing like the large nets our shrimpers
101 use to harvest.
102
103 First we're going to look at our shrimp sampling
104 stations. We typically sample these stations across the Sound
105 in preparation for the opening of the season. But we do check
106 these stations throughout the year.
107
108 And I just want to mention that around the end
109 of July, we started seeing good numbers of white shrimp just in
110 Biloxi channel. That was mainly where those were. And they
111 varied by size. Up until the middle of September, we stopped
112 getting those good numbers in our samples. And, of course, the
113 Bryozan was filling our nets, as well, so we have not been able
114 to get much since then, just a couple over to the west now.
115
116 As Mr. Gollett mentioned, we're also checking in
117 Back Bay, and there are white shrimp in the bay. I'm not sure
118 if it will be enough to turn the season around, but it is
119 encouraging to see white shrimp up in the bay. We're seeing
120 pretty good numbers around Popp's Ferry and Keesler. September
121 26, they ranged in size from 150 to 250 count, and last week
122 around 100 count. And we'll continue to check up in the bays.
123
124 MR. TAYLOR: How long will it take for these
125
126 N.J. SORGE, CSR #1297
shrimp to nature and to come out of the bay?

MR. TAYLOR: What size would we expect them to
be based on this?

MS. FLOYD: It's going to vary with conditions.
Hopefully closer to legal size. But maybe a bit smaller when
they come out.

Okay. And this is just a picture of the size
variation we're seeing in the bays.

Next, I want to look at our interjurisdictional
sampling. And this is sampling — this is our Biloxi transect.
We do this in coordination with the Gulf Coast Research Lab.
And this transect goes from beacon to the bay out to the
islands. We sample for all species, but here we're just going
to look at shrimp for the purposes of this presentation.

This looks back for catches from January through
September, back to 2001. The blue bar represents white shrimp;
the red bar is brown shrimp.

As you can see for 2011, the number of shrimp in
the trawl is about average when you look over the last ten
years or so, not as low as we saw in the years following
Katrina, but not near as high as we saw for brown shrimp in
2001 or white shrimp in 2009. So there's a lot of variation
here.

Just for the month of August, looking at the
past few years, and there's the scale, we had 700 shrimp in our
trawls -- white shrimp in our trawls back in 2009. That's down
to 200 for 2011, just for the month of August.

Looking just to the month of September, note our
scale again, 120 white shrimp back in 2009. For 2011, we're
down to just a couple of white shrimp.

Next we're going to look over to the west. This
is also part of our interjurisdictional sampling. The green
stations are fixed. The red represent random stations. And we
see an increase overall to the west. But please note the scale.
We catch many fewer shrimp over to the west. So that's only a
couple of shrimp, white shrimp caught in 2009, and a couple of
dozens in 2011 for August.

For September 2009, 70 in the trawls; 2011, 50.
So that looks okay.

So The DEEPWATER HORIZON has already been
mentioned. We have our ongoing seafood safety sampling for
PAHs, very intensive sampling. To date, 315 seafood tissue
samples have been tested. More are in the works. It is
ongoing indefinitely. This is for shrimp, crab, finfish, and
oysters. All have come back below levels of concern. The
results are available on our web page.

Now, for the official long term studies, and
these include shrimp and their habitat, this is being studied
through the Natural Resource Damage Assessment or NRDA process.
And these are long term studies. Their results will not be
available for some time. And we look forward to those results
along with everyone else.

The Mississippi trustee agency is Mississippi
Department of Environmental Quality. They are overseeing those
studies. And if you need more information on those, I'm happy
to get that for you.

Next, I want to look at our live bait shrimp
landings. As was mentioned before, we do have a trip ticket
system in our live bait shrimp fishery. And I want you to note
this turquoise area with it. That's marking the half mile of
the shoreline. And with that said, we're pointing that out
because our live bait shrimpers are allowed to shrimp in there.
Our commercial and recreational are not. So the landings
you're about to see reflect that.

So here we're looking at live bait shrimp
landings in Mississippi from 2008 to 2011, and this is for
June, July, August, and September.

As you can see in June, and this is reported in
numbers of shrimp. The purple bar at the end is 2011. Live
bait shrimpers reported very good catches in June. Over
700,000 shrimp caught.

And July looks pretty good.
And please note all of our numbers are low for
2010 because of the closures in the fisheries.
And also for August looks good.
We do not have September compiled yet, but you
can see that downward trend as we go into fall as far as
catches. So we would expect to see that.
Okay. So commercial shrimp landings, first and
foremost let's stress, these are not just Mississippi shrimp.
We all know that. They're from offshore. They're from other
states. But this is what we have. And this is something we
can try to break down. And I'll talk a bit more about that.
But let's talk about the landings we have currently.
So right here, we're looking at '05 through
2010, these are the total landings for those years.
Here is 2011 half the year through July. It's
where we would expect it to be as far as total overall
landings. We're almost to six million pounds. Since Katrina,
we expect anywhere between eight and ten million pounds. And,
of course, that's half of what we saw ten years ago.
If you look at the composition of the catch, the
green represents the brown shrimp. And as you can see, we
typically have more of a brown shrimp catch that's brought in
as far as overall landings in Mississippi.
The white shrimp are represented in blue.
That's highly variable but where we would expect to be for
overall landings for heads on.
MR. BOSSAGE: Is there for — you said up
1 through July, landings information?
2
3 MS. FLOYD: For 2011, yes, sir.
4 MR. BOSSAGE: And do we have any data from July
5 on? And the reason I ask that question, because most of the
6 fishermen have seen the problem actually started back in about
7 June. So you're catching the tail end of when the problem
8 really saw itself.
9 MS. FLOYD: Yes, sir. I'm showing you this
10 first because this is as far as I have it broken down by
11 species. I am going to go through September, but it's not
12 going to be as fine tuned because it's a process. But I
13 completely understand your concern, and I'm going to try to
14 address that.
15 MR. BOSSAGE: Okay.
16 MS. FLOYD: Here we're looking at the past few
17 years, 2007 through 2011. Here we are in 2011. This is all
18 landings January through September.
19 Now, it looks okay from here. Of course, there's that DEEPWATER HORIZON year right there. We're over
20 five million pounds. So it looks okay for overall landings
21 now.
22 We go into August, again this concerns us
23 because we're showing our highest August landings since
24 Hurricane Katrina. Obviously, those are not from Mississippi
25 waters. From what we gleaned from teasing out our notes from
26 our port agent and looking back, it would be less than five
27 percent inshore catches.
28 Now, finally in September we see the decline.
29 It's close to 34 percent compared to our average. And this
30 reflects what we're hearing from our fishermen that it's not
31 just inshore, but even further out.
32 Now, based on that — and let me go back because
33 I'd like to mention what we're trying to do as far as landings.
34 Obviously, we don't have trip tickets. So we can't tell you
35 specifically where those shrimp are coming from.
36 What we're trying to do now is go back and tease
37 out from our port agent's notes and from NOAA's data kind of a
38 designation of what was inshore and offshore and see where we
39 can see any differences that we could show to NOAA. And I'm
40 about to go over what NOAA requires for that federal
41 documentation of the fisheries failure.
42 So just to take a look back, the shrimp and crab
43 bureau has a long history of applying for, successfully
44 receiving, and distributing directly to commercial shrimpers
45 economic recovery funds.
46 Back in 2003, for gear and fuel, we were able to
47 provide a little less than $3,000 each to resident commercial
48 shrimpers. Following Hurricane Katrina, those participating
49 in our trip ticket and crab trap gear removal programs received
50 a little over $17,000. Round 2 of Hurricane Katrina money, the
51 average Mississippi shrimper received over $10,000. And
52 currently, although this is private funding, we have a grant
53 where we provide TEO gear to skimmer trawlers valued at $600.
54 Since 2003 through the shrimp and crab bureau
55 and direct disbursements to Mississippi shrimpers, on average
56 each shrimper received a little less than $32,000.
57 Now, that totaled over eight and a half million
58 dollars since 2003 just to Mississippi shrimpers.
59 I also wanted to mention our friends at MSU
60 Extension Service are just wrapping up their trade adjustment
61 assistance program where shrimpers were eligible for $12,000.
62 What is required for a federal determination
63 of a commercial fishery failure? And that's what we would need
64 to get funding for the Bonnet Carre Spillway disaster in this
65 case.
66 Please understand it's a process. We have a 32
67 page policy document of requirements that we must meet when we
68 apply to NOAA for that declaration.
69 Now, if NOAA does approve our application, it
70 still must go to Congress for funding. So understand that does
71 take some time.
72 The main thing I want to point out in the
73 requirements is that we are required to show a loss greater
74 than 80 percent to make a determination of the commercial
75 fishery's failure.
76 Now, if there's a loss between 35 and 80
77 percent, that would be evaluated further.
78 So currently with our overall landings in the
79 shrimp fishery, we do not meet that requirement. However, if
80 you look at the final bullet, those landings where there's a
81 loss less than 33 percent, there may be special and unique
82 circumstances. And that's where we're going to try to go
83 through and tease out the differences in inshore and offshore
84 fisheries. If we can show a loss there that would meet these
85 requirements, we will make that application to NOAA for the
86 shrimp fishery.
87 Now, as an example, I'm going to show you our
88 shrimp fishery where it is much easier to show losses because
89 it's an inshore fishery, it's very clear.
90 Since the Bonnet Carre Spillway opening in May,
91 we had a 35 percent loss in landings; in June, a 68 percent
92 loss in landings; July, a 59 percent loss in landings; in
93 August, a 45 percent loss in landings.
94 MR. BOSSAGE: So the reason you were able to
95 pull that data out of the crabs so easily, can you go back to
96 that and show us? And where did this data come from?
97 MS. FLOYD: This is our landings that are
98 collected from the dealers. We easily see a loss in overall
99
100
101
landings. The crabs are caught mostly in nearshore waters.
It's an obvious loss, I mean, overall.

MR. GOLLOTT: Traci, can I ask you a question?
It's my understanding that you can tease this
data out of the landings we have been furnishing you for the
last ten years. We have inshore boats and we have big offshore
boats. You should be able to run a report.
If there's any way we can help you, if you want
us to separate it, we will be glad to go back and separate the
inshore boats from the offshore boats. (Inaudible) need to do.

MS. FLOYD: It can be done. Thank you, Mr.
Gollott. And that's what we're trying to do now. And we may
be leaning on the dealers to try to clarify some of that. But
that will take some time to do. So we are doing that.
And that is what my next slide shows.
So as far as what we're trying to do for the
shrimp fishery, is to try to figure out the differences in inshore
and offshore landings, and we're reviewing that from NOAA's
data, from our port agent's notes, to see if there is evidence
of a regional or inshore decline that would meet these
particular disaster criteria.
These are the criteria we have to meet to get
funding.
And also, I noted that our September landings
are down, and they show a 34 percent loss. That's a pretty
substantial loss, and it's very close to the minimum
requirement. So if we continue to see those losses, we've met
the requirement, and we can apply that way.
We're looking at the data every way we can. And
we certainly appreciate the input of all of our shrimpers' reports, good and bad, and we'll help however we have can.

MR. BOSGARGE: I would ask maybe if you let
Jennifer translate this to the fishermen that are in here if
she could. I don't know if they quite follow you. Is she
still here?

DR. ASPER: Maybe we can do that at our break.
We're going to take a break here in a second.

MR. DRUMMOND: I have one question. You
mentioned NOAA was going to put up $12,000?

MS. FLOYD: I'm not sure of the exact funding
source. I'm talking about the Mississippi State University
Extension Service had a trade adjustment assistance program.
Steve may know a little more about that. But that wasn't from
NOAA. That's different...

MR. BO SARGE: It came through Congress. It's a
program put on through our U.S. Government. It's a training
program where these fishermen go and they are trained to do
their job better and then to look at alternatives for other
jobs, and actually have to come up with a business plan to
modify their business to make their business more efficient,
and as a result they're paid for their effort.

MR. DRUMMOND: I misunderstood, and I thought it
was a grant for the fishermen for emergency funds.

DR. ASPER: Anything else for Traci?

Okay. We're going to take a break. Before we
do that, I want to welcome Senator Tommy Richardson. Welcome.

Great to have you here.

Let's take a break. We will come back in a few
minutes.

(Off the record.)

DR. ASPER: Call the meeting back to order.

Move on to Item H, coastal ecology.

H. Coastal Ecology

MS. BRANTLEY: Good morning, commissioners, Dr.
Walker, Sandy. Jan sends his regrets. He is at the Coastal
States Organization meeting this week. I think for the whole
week. Usually, he tells me to say that he would much rather be
here than where he's at, but he did not say that this week
because he's in Kennewickport, Maine, so I think he's very
happy to be up there.

Since one of our items was taken off, we have
only two items on the agenda this morning.

3. Bureau of Wetlands Permitting

a. Gutierrez, LLC

MS. WITTMANN: Good morning. I'm Jennifer Wittmann. I have the first item on the agenda which is a
request for modification by Gutierrez, LLC, located at the
intersection of Holly Street and Bayview Avenue on the Back Bay
of Biloxi.

It is in the commercial fishing and recreational
marinas use district.
The project location is indicated by the yellow
thumb tack. You can see in reference to I-110, Highway 90, and
Bayview Avenue.

And this diagram or map shows the location of
the project.
The applicant is seeking authorization to
increase the total amount of shading associated with the
previously approved project by 5,366 square feet in order to
construct a forklift pier which will facilitate the addition of
a high and dry boat storage facility on the property.

This is a picture of the area that will be
shaded out by the pier. It's a scrub shrub marsh.

In July 1999, the commission issued a permit to
the Back Bay Casino of Biloxi for the construction of a docking
facility, mooring cells, bulkhead, dredging, and wetlands fill
for a casino development.

Between August 2002 and August 2008, several
extensions of that permit were granted.

In November of 2009, the commission granted a
DBQ and Department of Archives & History are currently reviewing the project. The Secretary of State’s Office has stated that a tidelands lease will be required. And Department of Wildlife, Fisheries & Parks has recommended best management practices.

Based on departmental review and evaluation, it has been determined that the project is consistent with the Mississippi Coastal Program because it serves a higher public purpose, and therefore staff recommends approval of the modification request.

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

MR. TAYLOR: I move that we accept the staff’s recommendation.

DR. ASPER: Is there a second?

MR. DRUMMOND: Second.

DR. ASPER: Seconded by Commissioner Drummond.

Before we vote on this, I just want to ask you a question, Jennifer. It seems like every month we approve a little bit here and there negative impacts on our wetlands. And we do it right after we see these reports of the shrimp industry and other fisheries declining.

Do you think there’s a link there?

I mean, these fisheries rely on those wetlands.

And if we keep impacting them, even a little bit at a time, nipping away at it here and there, are we having a cumulative effect problem here?

MS. WITTMAANN: The marshes do serve as nursery habitat for many juvenile fishes and shrimp.

This project in particular is scrub shrub wetlands. It’s not a tidally influenced wetland. So it’s a little bit different. But we do have a lot of ongoing projects in the coastal preserves office and things like that that are doing marsh restoration.

So not necessarily to say that we are compensating for everything that is impacted with shading, but any wetland impacts we do require mitigation. And mitigation at least has to be a one to one. We want to be sure that the function has been replaced for those projects that do have impacts.

DR. ASPER: I understand all that. That’s the company’s line. I understand that. But I’m just asking. We’re really frustrated trying to understand why our fisheries are declining. We’re just trying to look at all possibilities.

So it might be interesting in your spare time to take a look at how many of these impacts have not been really -- not illegally -- but really compensated for and whether or not we as an agency can be doing something a little bit better along these lines.

I asked that specifically on this issue, this...
application, because it's not tidal wetlands. But it's
something that I think we need to really be thinking about.

MS. WITTMANN: There are ongoing projects.

Right now currently we're working with the Corps of Engineers
to get a general permit approved for living shorelines. So in
that case, we would be able to grant CPAs on behalf of the Corps
and DEQ for living shorelines instead of bulkheads in places
where that's appropriate. So we have been making some strides
in trying to accomplish those type things.

MS. BRANTLEY: Another thing that I wanted to
add, we are through the 309 grant program through NOAA --
that's a grant program that we get every several years that
runs for I think either three or four years each project -- and
one thing that we've done is we've just gone out for bids, and
I think it's about to be awarded, the first year's project is
to go out and look at all of the coastal shorelines and how
much has been armored either by bulkheads or riprap and how
much is still natural.

And then one part of that is that the bid -- the
person who is awarded the bid will have to come up with a draft
document that would be provided to waterfront homeowners that
would give them some alternatives to hardening shorelines,
would give them information about living shorelines, why
they're important, how they can go about putting in a living
shoreline and protecting their property from erosion rather

than hardening or arming the shoreline.

And then the second year of that will also
entail education for the public. We'll have actual seminars
and things like that to teach people about those.

So that is another thing.

You know, Jennifer talked about the general
permit for the living shorelines. We're also doing some actual
research to find out how much as been impacted.

DR. ASPER: Okay.

MR. TAYLOR: Jennifer, is the site of the old
high and dry storage?

MS. WITTMANN: It is not. This is the Biloxi
Blues Marina & Grill. It's right where Bayview Avenue makes
the turn.

MR. TAYLOR: Okay.

MR. DRUMMOND: Is it this way or this way?

MS. WITTMANN: We are down here. The Boomtown
Casino is here. The Old Brick House is in this location. And
then Bayview makes the turn. This was the old casino site
within the dredged basin. And then this is Oak Street.

MR. DRUMMOND: Thank you.

MR. GULLOTT: That's Holly Street coming down
there?

MS. WITTMANN: Yes.

DR. ASPER: Okay. Ready for a vote? Those in

MS. WITTMANN: Thank you.

c. Sherry L. Owens

MS. MOORE: Good morning, commissioners, Dr.
Walker, and Ms. Chesnut. My name is Lynn Moore. I'll be
presenting a violation/after-the-fact permit for Sherry Owens.

It's located on Bayou Bernard on Otto Avenue in
Gulfport, Harrison County.

The red arrow shows the project location.

Closer view of the project location.

A bulkhead, mooring pilings, and a pier have
been constructed without a permit.

On September 14, the City of Gulfport called in
and reported the construction of unauthorized structures.

On September 15, a site visit by DMR staff
confirmed the violation.

Also on September 15, DMR received an
application from Ms. Owens requesting the after-the-fact
authorization for the bulkhead, mooring pilings, and the pier.

Here is a diagram of the structures that were
built unauthorized.

Here's a picture of the unauthorized pier.

Picture of the unauthorized bulkhead.

The staff of the Department of Marine Resources
has conducted a thorough evaluation and recommends that the
commission approve the after-the-fact request because the
structure does meet general permit guidelines and issue a fine
to Ms. Owens in accordance with the Mississippi Code.

The violation was discovered on September 14. It
had one day duration. The maximum fine is $500; minimum fifty.

Recommendation is two hundred fifty.

Our decision factors were the project meets
guidelines. Ms. Owens has been cooperative in applying for
after-the-fact authorization. And Ms. Owens has been a real
estate agent for at least 15 years in the area. She stated
that she thought she could build the pier in the original
footprint without a permit, but she also built a bulkhead to
close off the boat ramp.

DR. ASPER: Any questions? Or is there a
motion?

MS. MOORE: And Ms. Owens is here if you have
any questions for her.

MR. BOSARGE: I make a motion we adopt the
staff's recommendation and set the fine at $250.

MR. TAYLOR: Second.

DR. ASPER: Further discussion? Those in favor

The concludes coastal ecology. And the next
item is going to be our budget. Kara.

J. Administrative Services
2. Financial Report

MS. VEGA: Good morning. Today's budget shows September 30, 2011, balances. Our budget remained the same on that date at $6,267,493. We had spent $1,799,015, leaving a remaining balance on September 30 as $4,468,478. And our tidelands are all obligated.

Any questions today?

DR. ASPER: Thanks, Kara.

I believe we're at the conclusion of our agenda.

MR. DRUMMOND: I make a motion we adjourn.

MR. GOLLOTT: Second that motion.

DR. ASPER: Meeting is adjourned. Thank you very much.

(Meeting adjourned 11:10 a.m.)

BEFORE THE COMMISSION ON MARINE RESOURCES

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 73 pages constitute a true transcription of said meeting held on the 18th day of October 2011.

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 3rd day of November 2011.

N. J. SOROE, CSR #1297

Certified Shorthand Reporter