

Compressed Transcript



COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

January 21, 2014

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TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT
BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW
AVENUE, BILOXI, MISSISSIPPI, ON THE 21ST DAY OF JANUARY 2014
COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER
SOROE, CERTIFIED SHORTHAND REPORTER.

COMMISSION MEMBERS PRESENT:

RICHARD GOLLOTT, Acting Chairman
STEVE BOSARGE
ERNE ZIMMERMAN

ALSO PRESENT:

JAMIE MILLER, Director DMR
JOSEPH R. RANDELS, ESQ., Asst. Attorney General

MR. GOLLOTT: All those in favor. Opposed?

Motion carries.

D. Executive Director's Report

MR. GOLLOTT: Now we come to the executive
director's report.

MR. MILLER: Thank you, Chairman. I've got a
few items I'll go through quickly.

First is a request authorization for a contract
with Dale Diaz. As you know, Dale retired at the end of
October 2013. Dale was my designee that represented DMR's
management policy positions to the Gulf Coast Fisheries
Council. Dale, of course, was well seasoned, had been here 25
years.

In order to maintain that continuity with our
agency positions, I'm requesting the commission authorize me to
contract with Dale beginning January 31 and would run through
June 30, so that's about five months.

Dale would attend and represent the agency as my
proxy at the Gulf of Mexico Fisheries Management Council
meetings. The cost of the contract would be approximately
\$25,000. And that cost would be covered by the Gulf of Mexico
council's stipend that they give to the agency to represent our
interests.

So it wouldn't be a cost to the agency other
than -- well, no cost. It would be a flow-through for us. But

A. Call to Order

MR. GOLLOTT: I'd like to call the meeting to
order. I'd like to welcome you folks to the January regular
Commission on Marine Resources meeting. And if you have any
public comments, please fill out the paper in the back and get
them up so you can talk when it comes up. When it comes up,
come to the podium, state your name and your business.

B. Approval of Minutes

MR. GOLLOTT: And now we have approval of the
minutes. Do I have a motion or any modifications?

MR. ZIMMERMAN: Motion to approve.

MR. GOLLOTT: Second?

MR. BOSARGE: So second.

MR. GOLLOTT: Call for a vote. All those in
favor. Opposed? Motion carries unanimously.

C. Approval of Agenda

MR. GOLLOTT: Okay. We have approval of the
agenda or a modification of the agenda.

MR. MILLER: Chairman, I'd like to propose that
we add under other business consideration to go into closed
session to consider going into executive session to discuss a
personnel matter.

MR. ZIMMERMAN: I'd like to make the motion.

MR. GOLLOTT: Do we have a second?

MR. BOSARGE: Second.

I think it's important that we not lose any momentum and that
we have somebody qualified to represent us.

So that's what I would like to do if y'all
approve that.

MR. GOLLOTT: Thank you. Do I have a motion?

MR. BOSARGE: Yes, sir. And Dale is a great
asset, has been, and always will be. So I'd like to make a
motion to approve rehiring Dale Diaz. And what did you say the
salary was?

MR. MILLER: It's going to be a contract for
twenty-five thousand. That's his time and his travel cost.
January 31 through June 30 of this year.

MR. BOSARGE: That's what we want.

MR. GOLLOTT: Do we have a second?

MR. ZIMMERMAN: Second.

MR. GOLLOTT: All those in favor say aye.
Opposed? Motion carries.

MR. MILLER: Second, I'd like to inform you of
emergency procurement. In mid-January, we had a major
equipment failure at the NERR facility in Jackson County. The
chiller, which controls the building climate, broke. We've had
a few folks, professional groups, come out and look at either
repairing or replacing the unit as soon as possible.

We anticipate the cost of these repairs or
replacement is going to be probably in the neighborhood of

1 \$60,000. The challenge we have is that we've got a lot of
2 expensive lab equipment and other things in the facility that
3 if we don't maintain the climate we would potentially lose a
4 lot more equipment.

5 And so under emergency procurement law, we are
6 able to purchase or repair this unit without going through an
7 extended 90 day or 120 day procurement process. But I wanted
8 to make y'all aware of it.

9 We do have a fund set aside for facility
10 maintenance of this building, and we intend to -- we'll use
11 that funding source. But I wanted to make y'all aware of it.

12 Next is just a brief update on the 2014
13 legislative session. Of course, we're keeping a close eye on
14 what's going on in Jackson. We've had members of the staff,
15 including myself, in Jackson the last two weeks, and we will be
16 there again this week.

17 Thursday, January 23, is MDMR Capitol Day where
18 we'll set up some of our booths and hand out some materials
19 about the agency and the capitol in Jackson. That will be from
20 eight o'clock to noon on Thursday.

21 Last night was the deadline to introduce any
22 bills in this legislative session, so we'll look at that today.
23 We've had a few bills introduced that were priorities for us,
24 and so we'll begin to track those and report back to y'all on
25 how that goes.

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1 commissioners with their permission to see if you can document
2 some of this for us. I know, you know, the best thing to do is
3 get some pictures and put in front of us so we can see what's
4 being done and see if it is an issue.

5 MR. PITTMAN: Yes, sir, we can. And we do have
6 our airboat up and running. We have five officers now trained
7 on it. We're going to start making two or three patrols a
8 month. And we do have some aerial photographs of that area
9 that if you would like to see we can get them together for next
10 month.

11 MR. ZIMMERMAN: Could we bring that back to us
12 next month, please?

13 MR. PITTMAN: Yes, sir, be glad to.

14 MR. ZIMMERMAN: That's it.

15 MR. PITTMAN: Thank you very much.

16 MR. GOLLOTT: Next on the agenda we have Joe
17 Jewell, marine fisheries.

18 E. Office of Marine Fisheries

19 MR. JEWELL: Good morning, commissioners. Today
20 we have several items on the agenda.

21 I want to update you on our commercial quota
22 landings before I get started.

23 For flounder, we have landed 19,518 pounds. So
24 we are still within the quota limits of 2013.

25 For redfish, the limit is 35,000 pounds, and we

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1 I think that's it. Thank you.

2 MR. GOLLOTT: Okay. Next we have marine patrol.
3 Chief Pittman.

4 E. Office of Marine Patrol

5 1. Report on Citations

6 MR. PITTMAN: Good morning, Mr. Chairman,
7 commissioners, Director Miller, Mr. Runnels.

8 A short report this month. Last month was a bad
9 weather month, plus we had all the holidays.

10 As you can tell on the front page on the first
11 page, we had a few oyster violations that were made. And had
12 one sale of red drum in closed season.

13 On, of course, the back we did have a dive team
14 report. We assisted USM Gulf Coast Research Lab and Fisheries
15 doing a study on the oyster reefs.

16 Our December JEA patrols, we had 17 patrols, 214
17 man hours, 85 contacts, one enforcement action report, three
18 state issued citations.

19 Any questions?

20 MR. ZIMMERMAN: I have something, Rusty.

21 I've gotten numerous complaints from people
22 around Hancock County about the airboats tearing up the marsh
23 in the Pearl River estuary.

24 And I went and looked, and it's hard for me to
25 climb through marsh and whatever. I'd like to ask the

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1 landed just over 36,000 pounds.

2 For speckled trout, the quota is 50,000 pounds,
3 and we landed just over 51,000 pounds.

4 So it's a significant improvement over the way
5 we have managed the quota system in the past with the
6 introduction of our trip ticket program.

7 1. Marine Fisheries Annual Report

8 MR. JEWELL: First on the agenda is I'm going to
9 give an annual update of the 2013 year for marine fisheries.
10 I've been asked by our bureau directors to mention that this is
11 just an overview. It doesn't reflect all that we do, but it
12 reflects some of the major functions that we do in our outreach
13 to the public.

14 Of course, I'm Joe Jewell. I'm the interim
15 director of marine fisheries. And I'm going to go through each
16 of our five bureaus one by one.

17 First up is the shrimp and crab bureau. Traci
18 Floyd is the director. This is an overview of the shrimp and
19 the crab seasons this past year. Of course, we typically close
20 towards the end of December, so January 1st the areas close
21 north of the intracoastal waterway. April 30 all waters in
22 Mississippi are closed. And then last year, the opening of the
23 shrimp season was June 11. And then we opened in October the
24 Biloxi channel between Beacons 18 and 26. And we again closed
25 north of the ICW in December to complete that cycle. We had

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1 total landings in November of about eight and a half million
 2 pounds. We are down about five percent on average since
 3 Katrina. And we have 15 live bait camps that are licensed.
 4 For the crab season, January through December,
 5 we had just over 311,000 pounds, and that's down from the
 6 historic ten year average about 47 percent. The 2013 cleanup
 7 program was held February 14 through 23. There were 281
 8 derelict crab traps were removed. And total for the program is
 9 just around 19,000 traps removed from the environment.
 10 Trawl samples is another significant part of the
 11 program. There were approximately 329 trawl samples taken in
 12 2013, and these represent some of the main programs, our shrimp
 13 monitoring program, our monitoring assessment of IJ resources,
 14 and also The DEEPWATER HORIZON oil spill seafood sampling
 15 program that we update on our web page.
 16 MR. ZIMMERMAN: Joe, can I ask a question now?
 17 MR. JEWELL: Sure.
 18 MR. ZIMMERMAN: I see the shrimp landings of
 19 this year's shrimp season was down.
 20 MR. JEWELL: That's correct.
 21 MR. ZIMMERMAN: Are y'all seeing a decrease in
 22 your sampling rate of poundage on the rates that you're
 23 getting, also? For relevance, I mean.
 24 MR. JEWELL: There's a slight drop in it, but
 25 not a significant one.

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1 responsible for the DMR seminar series. There were two of
 2 them. One of them was on artificial reef on March 12, and the
 3 second one on oysters, science on the half shell, was on
 4 October 23.
 5 Special permits is another program that's
 6 administered by this bureau. There were 22 saltwater
 7 scientific collection permits, one nonprofit permit, one
 8 saltwater scientific transport permit, and a saltwater special
 9 collection permit.
 10 They're also responsible for the realtime
 11 hydrological monitoring program. There are 12 of these
 12 instruments scattered throughout the Mississippi Sound, and all
 13 this data is available on the DMR web page.
 14 Next up is the finfish bureau. It's
 15 administered by Mr. Matt Hill. They conduct
 16 interjurisdictional or IJ fan sampling. There were 96 gill net
 17 sets, 35 species were represented, for a total of just over
 18 3200 fish were sampled, and approximately 700 otoliths were
 19 collected from ten different species.
 20 A couple of the other important programs.
 21 Biological sampling. There again approximately 700 otoliths
 22 were collected. So the program collected overall just over
 23 1400 otoliths during the 2013 year. There were 12 recreational
 24 and commercial species were targeted and over 50 trips were
 25 conducted to obtain biological samples.

11

1 MR. ZIMMERMAN: Okay. I'm trying to understand
 2 it. Is it something adverse conditions that are hurting it, or
 3 is it just there's less shrimp?
 4 MR. JEWELL: We don't suspect so. I mean, there
 5 are typically fluctuations in the overall landings for the
 6 year. We don't see this as an odd year out, like the crab
 7 program. But we see this as a normal cycle up and down
 8 throughout the shrimp season.
 9 MR. ZIMMERMAN: Okay. Thank you. That answers
 10 it.
 11 MR. JEWELL: Now crab season -- I'm sorry.
 12 Of course, in the shrimp and crab bureau we
 13 produce two major newsletters that are public outreach. One I
 14 mentioned was Seafood Safety. This is in response to the BP
 15 oil spill, and it has significant data for the public,
 16 primarily including the seafood safety sampling program.
 17 And then our Shrimping the Sound newsletter,
 18 this is a public outreach by the bureau for primarily the
 19 fishermen in the industry, the shrimpers, and it includes
 20 significant things like turtle mortalities and grant
 21 opportunities, marketing. It gives Coast Guard safety
 22 requirements, the NOAA bulletin fisheries publications, it
 23 gives all those updates. And these are mailed to all 481
 24 fishermen who purchase a commercial license during 2013 year.
 25 This bureau also conducted -- they are

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1 The MRIP program, that is the old MRFS program
 2 that y'all are quite familiar with that does the dock and pier
 3 interviews. The data collected, area fished, species
 4 targeted, actual catch. There are three modes of this survey
 5 which is shoreline, party/charter boat, and private/rental.
 6 And total, just around 1700 interviews were conducted in 2013
 7 with this program.
 8 Commercial landings. I'm sure you're all
 9 familiar with our port agent program. They collect landings in
 10 the sheww coastal counties that's transmitted to National
 11 Marine Fisheries Service. The weekly market news report is
 12 updated. Monthly monitoring of the commercial quota for
 13 spotted seatrout, red drum, and southern flounder.
 14 Trip ticket program. It was implemented and
 15 throughout across the board in our seafood industry in January
 16 of 2012 under Title 22 Part 9. It requires all licensed
 17 dealers, fishermen to participate in reporting of commercial
 18 landings through the trip ticket program. It's scannable in
 19 electronic form. Information is collected to use in management
 20 decisions to aid fishermen in case of natural disasters. Over
 21 5600 tickets were processed from 450 active fishermen and
 22 dealers.
 23 Another successful program that we have is the
 24 monofilament recycling program. Y'all may have seen these on
 25 our docks and in areas of high public use for fishing

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1 community. What we try to do is prevent the material from
2 getting out into the environment, tangle and damage fish.
3 Currently we have 44 recycling stations. There are 14 of these
4 in Jackson County, 24 in Harrison County, and six in Hancock
5 County. So far, over 50 pounds of monofilament has been
6 shipped through this program for recycling.

7 Next up is our artificial reef program under Mr.
8 Jimmy Sanders. I selected these two pictures. That's Katrina
9 Key on the backside of Deer Island. We are now negotiating
10 with the Grand Casino to acquire some of the materials that's
11 on their site on front beach on Highway 90 to extend the reef.
12 The artificial reef program has done 36 gill nets to assess the
13 inshore artificial reefs, 42 inshore reef deployments, with a
14 total just over 28,000 cubic yards of Number 57 limestone. We
15 side scanned 11 oyster reefs in 11 oyster reef zones. Trip
16 tickets to release a total of just over 6,000 pompano and red
17 snapper in state and federal waters, two trips to investigate
18 lionfish on offshore artificial reef sites.

19 A little more detail about our fish releases.
20 We conducted two different Florida pompano releases. One was
21 in August, 2700 pompano, and then another in December, there
22 were 2200.

23 Our red snapper release program, in January 2013
24 we released just over 670 red snapper. And then in December of
25 this past year on Fish Haven 2, we released 650 red snapper.

1 The regulatory and technical assistance program, seafood safety
2 education, public outreach, seafood sanitation and HACCP
3 training programs, the mentorship and environmental stewardship
4 program. We have research programs where we do outreach to the
5 dealers and the processors. We also provide technical
6 assistance through our aquaculture program.

7 I've shown this graph before to the commission.
8 Little has changed, but I always point out if you look at 2006
9 and '07, that was the year after Hurricane Katrina, so we're
10 chugging along in the mid upper seventies, and then, of course,
11 Katrina hit, and it reduced our industry by almost half. And
12 then we rebounded a little bit. And then 2010 was BP oil spill
13 compounded by the opening of the Bonnet Carré in 2011. But
14 since then, we've rebounded a little bit. We have a bright
15 outlook for our seafood processing industry.

16 And this gives you some of the comparison
17 between last year and the year before of what our program does.
18 We had a total of 58 certified dealers. That's up from 2012
19 which had 49. Our outreach events, we scaled back a little bit
20 on that. We're integrating our outreach program with the
21 public affairs office with some more holistic approach that
22 we're doing. Our regulatory inspections, in 2013 there was
23 just over 5700. In 2012 there were 7100. There's a couple of
24 reasons behind that. One is there's been some ISSC changes in
25 quarterly versus biannual inspections for certain components

1 And we also do a lot of coordination with our
2 other agency, like Gulf Coast Research Laboratory, do tag and
3 release and assist them, like cobia and speckled trout.

4 MR. ZIMMERMAN: Joe, I'd like to question, both
5 of these projects we do inhouse through GCRL?

6 MR. JEWELL: We coordinate with them. But we
7 also have the Lyman Fish Hatchery where some of these are grown
8 out. And we do coordinate with GCRL on their release program,
9 specifically with the spotted seatrout.

10 Our artificial reef deployment, we did 42 of the
11 inshore reefs for a total of just over 28,000 cubic yards
12 completed in June 13 of this past year.

13 We also do offshore artificial reef deployments.
14 We did the Florida limestone pyramid. These are the large ones
15 that are stacked up on the bow of the boat on the right. We
16 did two deployments totaling 26 pyramids.

17 This bureau, like all the other bureaus in
18 marine fishery, conducted public outreach. There were 16 public
19 outreach events, including the Gautier Mullet Festival and the
20 Carl Leggett Rodeo, where we provide the public a lot of our
21 public information, pamphlets, brochures, the rules and reg
22 book.

23 Next up is seafood technology bureau under the
24 authority of Ms. Ruth Rosadas. I've listed over here in the
25 left-hand or right-hand side several of the major programs.

1 within the industry. And overall, the industry has asked for a
2 lot less outreach from our agency.

3 Biannual water samplings is up a little bit from
4 2012, 60 to 70, and both inspections by the FDA of our program
5 have passed.

6 Next up is the shellfish bureau under the
7 direction of Mr. Scott Gordon. This graph shows the overall
8 landings from 1990 to 2014. Of course, the significant thing
9 is to notice the drop right after Hurricane Katrina. And then
10 we did a lot of shell planting and refurbishing of the reefs,
11 and so we got back up there, and then the Bonnet Carré opened,
12 and we had the BP oil spill in 2010. And so we're starting to
13 see a little bit of increase.

14 The very last one is the 2013-2014 oyster
15 season. We were open a little longer than we had been in the
16 past. We closed last year December 31. This year it was still
17 open. So we're expecting that to increase a little bit.

18 These are some of our main programs. Of course,
19 we have phytoplankton sampling program. This program is under
20 the jurisdiction of Ms. Christina Broussard. They go out and
21 take water samples and assess the different species and their
22 concentrations in our waters and the potential impacts on our
23 water resources.

24 Our water sampling program, we collected about
25 1400 fecal coliform samples last year. We conduct annual

1 shoreline and sanitary surveys, identify and document actual
2 potential pollution sources. We maintain growing area
3 classifications, monitor conditional growing area parameters,
4 and we operate the meteorological stations.

5 Throughout the year, the shellfish bureau was
6 asked to conduct special reef assessments throughout the Sound.
7 They do this through side scan sonar, dredge samples, and
8 square meter scuba samples.

9 In the fall an intensive assessment collected
10 about 60 samplings at 60 sampling stations that surveyed the
11 entire commercial reef area in the western Mississippi Sound.

12 We had a successful summer spat set. It was
13 found on most stations and he 60 stations that were sampled.

14 The shellfish bureau also conducts educational
15 functions. And this year they are quite proud, they produced
16 the oyster stewardship book that gives really a whole list of
17 overall view of the industry and the components in it. This
18 book is 118 pages long. It's funded through a NOAA grant and
19 was circulated to our commercial fishermen.

20 This bureau also does a lot of reef restoration
21 and habitat enhancement. Over on the left-hand side, you will
22 see some of the limestone. It has to be a certain size for us
23 to place out on the reefs. There were a total of just over
24 1200 acres of oyster reefs in the western Mississippi Sound
25 that have been planted with just over 140,000 cubic yards of
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1 certainly did direct us to take that under consideration and
2 evaluate that request. And we are currently doing that. I
3 think next month we plan to come forward with a more intensive
4 presentation to the commission on that issue.

5 MR. GOLLOTT: Okay. And one more thing. We
6 have a dredge issue. We're getting a lot of complaints on
7 these automatic dredges the fishermen are using now. And we
8 need to either educate them or outlaw that particular type of
9 equipment because they're telling me it's tearing the reef up.

10 I'd like to see us educate it, maybe come up
11 with some kind of little clip or little movie that we can sit
12 down with the fishermen before they get a -- we make them take
13 a course or some kind of a test or something.

14 I think teaching these people to regulate the
15 dredges would help them and help our reefs, too. So that's
16 something we probably really need to look into as a way to keep
17 these reefs from getting torn up.

18 MR. JEWELL: Commissioner Gollott, we have
19 received several complaints about -- they're called basket
20 dredges. They do more intensively plow up the bottom than a
21 regular dredge does.

22 We intend to take that under consideration.
23 I've spoken to Mr. Scott Gordon, our shellfish bureau director,
24 and what we intend to do after the season closes or somewhere
25 in coordination with that, we're going to conduct a couple of
19

1 limestone and oyster shell. Additional cultch plants were
2 deployed in St. Louis Bay, Biloxi Bay, with just over 3500
3 cubic yards of oyster shell. This shell was deployed funded
4 through a grant from the Fish America Foundation.

5 Evaluation of the reefs has begun using side
6 scan sonar and dredge tows.

7 And that completes the annual update. Does
8 anybody have any questions?

9 MR. GOLLOTT: I've got several questions for you
10 here.

11 On the Grand, I see they're starting to demolish
12 it now, have we gotten any bids out, do we have our ducks in a
13 row, for getting the material to bring it out to the Katrina
14 Reef?

15 MR. JEWELL: We are doing that currently. Right
16 now, there's a bid packet in process internally within the
17 agency, and we do anticipate that coordinating with the Grand's
18 demolition of the project and placing that material on Katrina
19 Reef.

20 MR. GOLLOTT: Last month, we had a gill netter
21 come before us asking us to go to a nylon net. Did y'all find
22 out anything on that or dig into it? I thought we had
23 instructed y'all to come back with a report on it.

24 MR. JEWELL: We had -- my understanding is that
25 we had a little bit of time to do that. The commission
18

1 public outreach events through the stewardship program and make
2 that part of that process.

3 MR. GOLLOTT: Good.

4 And just for everyone's information, Thursday,
5 the 16th, Jamie Miller, Joe Jewell, and myself went out on the
6 Pass Christian dredging reef to sample it off of a private
7 oyster boat, The JOEY C.

8 I'd like to thank Harold Strong and his
9 deckhands for hosting this.

10 I think we learned quite a bit out there. It's
11 my opinion that after seeing this that we should open south of
12 Pass Marianne areas as soon as possible. What we seen out
13 there was oyster drills. And oyster drills kill oysters. And
14 I think we're losing a lot of oysters where we could open this
15 up and let our fishermen go out there in Pass Marianne channel
16 and go ahead and get that done.

17 We also sampled off of St. Stanislaus. And
18 quite a few beautiful oysters there, but they're wrapped up in
19 mussels. And I think opening this area would allow the
20 fishermen to harvest that oyster right now because oysters are
21 very scarce, and they're very expensive. Our fishermen are
22 doing very well on the price of oysters.

23 It's my belief that we could open all the oyster
24 reefs, the dredging oyster reefs, and as long as we do a good
25 job in making these folks cull these oysters, they're not going
20

1 to hurt the reef for next year.

2 And I'd like to have a motion on keeping the
3 oyster reef open until at least the next or until right after
4 the next commission meeting, which would be about 30 days, open
5 the whole -- everything that can be open.

6 You probably have something to add to that, Joe.

7 MR. JEWELL: I was just going to point out that
8 Mr. Gordon is going to give an oyster season update that's
9 going to have some information in it that the commission may
10 want to consider.

11 MR. GOLLOTT: Okay.

12 MR. JEWELL: So if you all want to wait for that
13 and then you'll have a...

14 Okay. Next up, if there are no more -- are
15 there any more questions? I'd be glad to answer any more
16 questions.

17 Next up is Mr. Rick Burris who is going to give
18 a live bait update.

19 2. Live Bait Update

20 MR. BURRIS: Good morning, commissioners,
21 Director Miller, Mr. Rumlens.

22 Today we're going to give you an update on the
23 2013-2014 Mississippi live bait shrimp industry.

24 In case you're not familiar with our live bait
25 shrimp industry, we allow licensed live bait dealers to catch

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1 possible move to ensure that their catch stays alive. So we
2 make sure that the tanks at the camp and the vessels and on
3 their transport vehicles all have adequate flow and
4 circulation. They must have rounded corners. They can't have
5 pointy corners to keep the shrimp from congregating. They have
6 to have a cover over the tanks to keep the water from
7 overheating in the sun.

8 They can have a trawl no longer than 16 foot
9 with four foot doors, and for enforcement purposes, we make
10 them have a big sign that says live bait boat, as well as the
11 name of the camp.

12 Here's an example of what we're looking for when
13 we're inspecting the camps. You can see spray bars here and
14 the stones, the oxygen stones, are putting a lot of oxygen in
15 the water. There's good circulation you can see with all these
16 bubbles here. And also the corner here, you can see they have
17 a square tank, but they put boards in the corners to keep that
18 -- to lesser the angle of that corner which keeps the shrimp
19 out of there and they won't use up all the oxygen.

20 Here's an example of a live bait boat. It's one
21 of the Mary Walker's boats. You can see right here the big
22 sign that says live bait and the name of the camp. This lets
23 our enforcement officers know that the boat trawling in closed
24 commercial waters is a live bait boat. And then you see they
25 have a cover over the tank. They have a sorting tank and a

23

1 and sell shrimp as a service to our recreational fishermen so
2 they may have access to live bait shrimp year round.

3 So these licensed live bait shrimp dealers are
4 highly regulated and must be fully inspected before being
5 operable.

6 The laws and regulations concerning live bait
7 shrimping can be found in Mississippi Code 49-15-64.4 or Title
8 22 regulations Part 6.

9 Just to summarize these regulations, each camp
10 must submit an application to DMR. We then have 30 days to
11 inspect the camp. And all their equipment must pass inspection
12 in order for them to be licensed. And I'll go over that in
13 just a minute.

14 They are different from commercial shrimpers in
15 that they're allowed to shrimp 12 months out of the year and
16 they can shrimp with inside a half mile of the shoreline.

17 However, they're not allowed to shrimp at night,
18 and their tow time is limited to 25 minutes, which includes
19 picking out of the shrimp.

20 They cannot in any way sell their shrimp for
21 consumption purposes, and they must report their landings and
22 sales monthly to the trip ticket program. And I'll go over
23 that in a minute, too.

24 As far as inspection requirements, they are
25 pretty strict due to the fact that we want them to make every

22

1 holding tank, and they both must be covered. And you can see
2 this pipe here. That's what brings the water up off the bottom
3 so they'll have good fresh water.

4 As I mentioned earlier, the live bait dealer
5 must submit a monthly report which reports the camp name, their
6 license numbers, and every day of the month they have to report
7 the number of purchasers, the number of shrimp they caught if
8 they went out, the number of live shrimp they sold, and then
9 whatever chum and squid and crabs that they sold.

10 What we do with that data, look back on it and
11 see the number of purchasers we had. As you can see, before
12 Katrina we had roughly 90,000 average purchasers, and then
13 around Katrina it went down because there was less live bait
14 camps during that, a whole lot less fishing.

15 And then it went back up. And then you also see
16 right here in 2010 the oil spill, very significantly less
17 fishing due to all the closed waters.

18 Here's a chart of live bait sales. Once again,
19 you can see that drop around the time of Hurricane Katrina,
20 also around 2010 the oil spill. And it shows the number of
21 shrimp caught and the number of shrimp sold.

22 This chart shows the dead bait sales, and those
23 two dips are in there again. And then this line on the bottom
24 is the squid and chum that they sell which kind of stayed the
25 same, just under 10,000 pounds.

24

1 This chart shows the bait camps we've had since
2 1996. The most we had before Katrina was about 46. You can
3 see right after Katrina it significantly dropped off. Since
4 then, we've had roughly 15 every year. It also shows the
5 number of vessels.

6 This year we've had a total of 15 camps
7 inspected and licensed, and I'll go over the names in a second
8 when I show you the locations on them. Out of those 15 camps,
9 there's 16 live bait vessels inspected and licensed and eight
10 live bait transport vehicles.

11 Starting from the west, we have LaFrance down
12 here on the Pearl River, Bordages, we have Bay Marina in Bay
13 St. Louis. In Long Beach harbor, we have Tackle Box, and in
14 Gulfport harbor, we have the Tackle Box and Tackle Box II.
15 Back to the east in D'Iberville, we have Crabby's. And then at
16 the small craft harbor, we have Biloxi Harbor Bait. In the
17 Bay, we have Boardwalk Marina. Fort Bayou, there's Who Zat and
18 Fort Bayou Live Bait. And in Ocean Springs harbor, there's
19 Marine Mart. In the West River in Gautier, there's Mary
20 Walker. And the East River is Bait Box. And in Bayou Casotte,
21 it is CC's Live Bait.

22 If you have any questions, I will answer them.

23 MR. ZIMMERMAN: I know in Pass Christian, I've
24 had a couple of the bait dealers in Hancock County have a
25 question about this. You know, the law states that we want to

25

1 is where they work. They're allowed to work in places that
2 commercial shrimpers can't.

3 And I'm glad to see a good healthy industry, but
4 as the last couple of years the prices of shrimp have
5 increased, so there's going to be a temptation there that we
6 need to keep an eye on to make sure that what they catch is
7 going to live bait. The temptation with the prices of the
8 small shrimp are higher now than -- Commissioner Gollott can
9 probably attest to -- probably higher than they've ever been.

10 So there's that temptation. So we just need to
11 keep a close eye on it.

12 MR. BURRIS: Yes, sir.

13 MR. GOLLOTT: The way I look at it, if the
14 shrimper can get more money for his shrimp, God bless him, you
15 know. I mean, however he wants to sell them.

16 Thank you, sir.

17 MR. BURRIS: Thank you.

18 3. Oyster Season Update

19 MR. GORDON: Good morning, Mr. Chairman,
20 commissioners, Director Miller, Mr. Runnels.

21 As Joe Jewell had just showed you basically the
22 same chart going back to FY 1990 up to this year. And it has
23 been a roller coaster ride, ups and downs. Seems like recently
24 we've had more downs than we had ups, but I'm trying to remain
25 optimistic. And from what we saw from some of our sampling

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1 protect the resource with the tankings, inspections, etcetera.
2 And we all know that there's a place in Pass Christian,
3 Roscoe's, that operates live bait.

4 How is he operating as a live bait camp without
5 a license?

6 MR. BURRIS: He's a commercial shrimper. He has
7 a commercial shrimp license. He has to adhere to all the laws
8 of commercial shrimpers. So during the season, he can sell
9 live bait without -- when the season is closed, he can't sell
10 them without that license.

11 MR. ZIMMERMAN: And I look at that as kind of
12 circumventing the law. What the commission is burdened with is
13 the protection of the resource. If everybody else is
14 inspecting their tanks and the reason you're inspecting tanks,
15 you don't want somebody catching 100 pounds of shrimp and put
16 it in their tank today and kill them is what I understand.

17 And to me, that's kind of -- and what I'm trying
18 to understand is how is that happening. It's circumventing the
19 law the way I see it.

20 MR. BOSARGE: Maybe to answer, the difference is
21 because he has a commercial license, he's not allowed to come
22 within half a mile of the shoreline. So he's out in areas
23 where normal commercial shrimpers can shrimp. Therefore, he's
24 allowed to catch and keep whatever he chooses.

25 Whereas, the thing with the live bait shrimpers

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1 earlier this year, I do have some optimism about that.

2 Commercial oyster license sales, this is looking
3 at FY '04 through FY 14 so going back ten years, they have gone
4 up and down, especially right after Katrina we had no harvest,
5 so there were very little license sales.

6 And right now the FY 14 or '13-14 season that
7 we're under currently, we do have a cap that's in place right
8 now on the licenses, and it's capped at the same numbers that
9 we had for the '12-13 season, last season. So in each of these
10 categories, we are down from that.

11 I think we may have had some people in the '13
12 -- the '11 and '12 and '12-13 that were just speculators that
13 were purchasing licenses.

14 For this season, and this is as of last week,
15 January 16, there have been over 3,883 trips, 52,608 sacks
16 harvested. That averages out to 13 and a half sacks per trip.

17 Of that, 2,338 were Mississippi dredge trips
18 with them harvesting 38,081 sacks. That was 16.3 sacks per
19 trip. The nonresident dredging trips was somewhat less, and
20 you can see for the Mississippi tongers and the nonresident
21 tongers, they were slightly higher.

22 But with the 13.5 sacks per trip for all harvest
23 types, Mississippi dredgers 16.3 sacks per trip averaging.
24 Nonresident dredgers 13.4 sacks per trip. Mississippi tonging
25 trips, 7.2, and 10 for the nonresident tongers.

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1 And yes, marine patrol has been checking cull
2 closely, and they've been doing an excellent job on that.
3 We also hand out harvesters book and the culling
4 tools to the harvesters, and they seem to appreciate that.
5 This slide shows -- I wanted to look at the
6 catch per unit of effort by the various harvest types. And
7 trying to figure out the way to compare apples to apples. And
8 so what I decided to do was just to look at those harvesters
9 that were limiting out each day.

10 So with tongs, in the case of tongs, that
11 would be 12 sacks each day. So I looked at those harvesters
12 that were catching 12 sacks from the beginning of the season up
13 until this last week.

14 And each of these little yellow dots on here,
15 that represents a trip of one of the boats that limited out.

16 And this is our tram line here, and actually
17 it's either level or going slightly up. And that shows that we
18 are staying pretty stable with it.

19 This next slide is the dredging sacks per hour.
20 And again, this is the number of dredgers that were catching
21 their 20 sacks per day. And I don't know if some of you can
22 remember early on in the season, there was speculation after
23 the first couple of days we opened up for dredging, well, maybe
24 we need to drop the sack limit or whatever. And I said hold
25 on, you know, wait, we'll be okay with this, it takes a while

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1 to find the oysters. And they certainly did. Early on in the
2 season, it went up pretty dramatically. And as you can see, it
3 just kind of tapered off.

4 Now, these gaps in here, these are closures that
5 we have had, either due to rainfall or river stage events. And
6 sometimes the reefs need a break.

7 I'm sorry it's not showing the bottom of the
8 slide.

9 This first slide, these are some samples that we
10 collected last week. And I tried to pick some of the better
11 pictures for each one.

12 This is the Henderson Point reef. That's in
13 Conditional Area II-E that is open for harvest. And what this
14 is showing is shells and hash and hook mussels. So you can
15 see, this is mainly shells and hash, and then you've got the
16 hook mussels and a lot of seed oysters. These seed oysters,
17 these calipers here are set out to three inches, so that's the
18 legal size we've got. There's a couple of market size oysters
19 in there, but a lot of these oysters are just under the size.
20 And that's a preview of some of our next year's crop.

21 This slide is the Pass Christian dredging reef
22 Area II-F. It's predominantly shell. It's been worked very
23 hard. And there are seed oysters. And again, that oyster I
24 think is just shy of three inches, but most of these others are
25 just shy, as well. And again, that's our next year's crop.

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1 This slide is of the Pass Marianne cultch plant
2 Conditional Area II-G that's to the south. And it is showing a
3 large amount of shell with the seed oysters in there.

4 This slide is the north Telegraph reef cultch
5 plant area, Conditional Area II-D. This is mostly shell and
6 two and a half inch oysters. And those are some of the
7 prettiest oysters you would like to see, and just about every
8 one of those is going to be set on limestone. And that's how
9 we're trying to get these reefs built up. So that's very
10 encouraging.

11 And then we have, you know, a lot of shell.
12 This area has been opened up to harvest, so there's going to be
13 some spat. In fact, a lot of the fishermen that I spoke to,
14 they said they were seeing spat out just about everywhere.

15 This is the Pass Christian tonging reef. And
16 this is, if you notice, this is a lot different from what
17 you're seeing on the previous slides. Over here on the left,
18 these are predominantly market size oysters. And then there's
19 some shell with seed and spat on there. So this reef is in
20 very good shape right now. Again, this is the Pass Christian
21 tonging reef. That's in area Conditional Area II-F.

22 This is the Hornets reef Conditional Area II-A.
23 Again, this one is mostly seed. There's a few market size
24 oysters. And as one of the guys that was out on the boat said,
25 it looks like this area has been worked. So that wouldn't be

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1 surprising to imagine that some of the boats may have already
2 gone in there and worked some of this.

3 This next slide is the St. Joe 2007 cultch
4 plant. That's in Conditional Area I-B. It's all seed with
5 some hook mussels in there.

6 Again, keep in mind, this was in 2007. The
7 Bonnet Carre Spillway opened in 2011. And it wiped out this
8 entire area. I think we had we estimated in the neighborhood
9 of 95 percent mortalities. So this area is coming back from
10 the cultch material that was already on the ground that we put
11 out there in 2007.

12 So it takes some time to build these reefs back
13 up.

14 And then this final slide of this series is the
15 St. Joe. It's Station 21. It's Conditional Area I-B. Again,
16 this is all seed is what we're seeing. You can see these
17 clusters of the seed oysters up in here. And then again with
18 the hook mussels.

19 This slide is of the Pearl River, what it has
20 done throughout the season. The yellow triangles on here,
21 that's the daily statistics looking over a 17 year average. So
22 that's where the river stage has averaged over the past 17
23 years. And this blue line here, that is what the river has
24 been doing this season. So we have had some real highs and,
25 you know, some of them came down below. But it's typically a

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1 wetter year, which is a good thing to see, because I think
2 we've been coming out of a pretty extended drought.

3 This ten foot river stage, that is what whenever
4 the river reaches that level, we will shut down our nearshore
5 waters, so Areas II-A, II-B, II-D, and even I-B St. Joe area,
6 that would shut down on ten foot rainfall. And then this
7 dotted line at the top is the 12 and a half foot stage which
8 would shut all of our conditionally approved waters down.

9 Currently as of seven o'clock this morning, the
10 Pearl River was at just a little over 11 feet. And it crested
11 yesterday, so I tried to get a boat out sampling this morning.
12 So after we get a crest if we get a good sample, we can open up
13 some of these waters that have been closed down previously.

14 This slide is something that I don't know if you
15 can put a whole lot of stock in it. But I know there had been
16 some concerns about the amount of snowfall that we have had
17 that we might have to be thinking about for the springtime and
18 any potential flooding.

19 It's still way too early to tell on that. But
20 what I was able to find was the snow water equivalent. The
21 lower right-hand corner is what we had for January 15 of this
22 year. And so then I went back to the same date on 2013, 2012,
23 and then 2011. 2011, that again is when we had the great
24 Mississippi River flood of of 2011. And you can see the
25 snowfall that we had on that particular date, it came down

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1 our samples. You do expect to see more out in that area. And
2 that's where the fresh water is very important to keep the
3 predation by the oyster drills down. But we just haven't seen
4 significant amounts in our samples. You know, occasionally one
5 or two.

6 And that is a concern whenever you do have the
7 higher salinities that you could have oyster drill
8 infestations. But right now, you know, that's not one of my
9 concerns.

10 MR. GOLLOTT: Well, and the amount of dead boxes
11 we found out there, too. It looked like distressed dead boxes
12 the oysters may be drilled and killed on, like (inaudible) or
13 something.

14 The size of the oysters out there were
15 surprising, too. I mean, they was as big as my hand, about six
16 inch oysters, just right there on the dredge.

17 Thank you, Scott.

18 I still recommend that we keep the dredging
19 season open for another month and open all the areas to be
20 harvested. Like I said, if the oysters are small and the
21 fishermen can't make a living, they're going to move to
22 different areas and catch oysters. And as long as we enforce
23 the culling laws, I think we are in good shape for next season.

24 Harold Strong which is a local commercial
25 fisherman, oyster fisherman down there, that's what he was

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1 pretty far south. 2012, we had a pretty good dip down. And
2 2013, we had some snow fall down.

3 This year, most of that seems to be up around
4 the Great Lakes region so it's going to be in the upper reaches
5 of the Mississippi River.

6 Again, it's still too early to tell what their --
7 and the National Weather Service, they do put out a spring
8 flood forecast or outlook. They haven't issued one as yet.
9 But we are monitoring that situation.

10 Currently, it doesn't look like that's going to
11 be an issue for us.

12 So the 2013-2014 limited oyster season
13 recommendation. Staff's recommendation is that we close the
14 2013-2014 Mississippi limited oyster season to harvest by
15 dredging at 4:00 p.m. Wednesday, January 22, 2014. And we also
16 recommend that we allow harvest by tonging to continue in Area
17 II conditionally approved waters only.

18 And we would continue to monitor that situation.

19 MR. GOLLOTT: Scott, the one thing that I was
20 surprised is when we went out the other day how salty it was
21 out around Pass Marianne. I mean, you could really taste the
22 difference in the oysters off of St. Stanislaus and Pass
23 Marianne. And the amount of oyster drills that we seen out
24 there in the dredges.

25 MR. GORDON: We haven't been seeing that many in

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1 recommending. I asked him, I said what do you think about next
2 year. He said, well, if everything works out we're going to be
3 drowning in oysters next year.

4 So apparently we've got a real good spat set and
5 a lot of small oysters down there.

6 But dredging oysters this time of the year
7 doesn't hurt them to move them around because the water is
8 cold, and the predators don't get them and they don't die of
9 heat. When it's warmer, you do damage reefs by cultivating
10 them. I think it helps them this time of the year.

11 But if anyone wants to make a motion, I'd --

12 MR. GORDON: If I may, Commissioner Gollott,
13 you had mentioned earlier, you brought up one of the issues
14 that is a concern of mine, and that is of the use of the basket
15 dredges or the misuse of the basket dredges.

16 And I know Harold has personally spoken with me
17 about that. That's one of his concerns. And I've had
18 fishermen from the Pass Christian area, many of them, bring
19 that up.

20 And with marine patrol, I think usually you and
21 I will agree that if you have oysters that are being harvested
22 properly and in a proper manner, and marine patrol is closely
23 checking the cull which they are doing an excellent job on
24 that, they're checking every single boat, then I don't have any
25 concerns about there being any damage to the reef.

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1 But I do have to express my concerns on this,
2 that if we -- until that issue is addressed -- and I have no
3 proof of that. All I'm going by is what the fishermen are
4 telling me, and some of them have in the past pulled basket
5 dredges themselves, that they are convinced that that is
6 causing damage to the reef. It's covering them up and possibly
7 killing some of the small oysters.

8 So that's where my main concern is, and that's
9 where I would not like to see for dredging to continue on any
10 further than that.

11 Now, with the inside the mile area or Area II-A
12 and II-B, I think I could concede to your point there for a
13 short amount of time.

14 MR. GOLLOTT: One of the things we have to
15 realize, you're dealing with people trying to make a living.
16 They're trying to feed their families and everything. So I
17 don't see us penalizing good fishermen for a handful of maybe
18 people that's pulling these dredges, basket dredges.

19 But we really need to look into that and find
20 out, you know, how can we remedy that situation because it's
21 (inaudible). Like I say, I'd like to see the dredge season
22 stay open for at least another month. I'd like to open off of
23 St. Stanislaus which the oysters have a lot of mussels on them
24 and a lot of times people don't want oysters with mussels on
25 them. But right now, the oysters are so scarce they could sell

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1 from some of the fishermen and some of the dealers.

2 MR. GOLLOTT: You know, we could insert in there
3 that we could give the director the authority to close if he
4 sees something detrimental. But we would encourage you to keep
5 it open for at least another month until after the next
6 commission meeting where we can come together and look at this
7 thing again.

8 One of the things that surprised me was the size
9 of the oysters. I like small oysters, eat small oysters
10 myself. And we just didn't find a lot of small oysters on our
11 sampling trip. A lot of big oysters.

12 But we'll let it go at that.

13 MR. ZIMMERMAN: You know, when the snow melted,
14 the slide you had put up, and as we see in 2011 when they
15 opened the floodgates, with that slide you're showing it, we
16 got down in the St. Joe reefs down to five percent of takeable
17 oysters that reef.

18 And with that said, you're trying to say that it
19 looks like they may open the floodgates again?

20 MR. GORDON: No, sir.

21 MR. ZIMMERMAN: No?

22 MR. GORDON: No, sir. If I go back to that
23 slide, this is the 2011. That was the year that opened up. So
24 you can see the snow coming down to the northern part of
25 Louisiana, Alabama, Mississippi, and Georgia.

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1 just about anything.

2 MR. GORDON: Yeah. Well, that's a lot of work,
3 They'll beat those mussels off pretty good. I see the
4 fishermen come in that have been working with those, and
5 they'll be splattered with mud from head to toe.

6 MR. GOLLOTT: Thank you.

7 MR. BOSARGE: I tend to agree with Richard in
8 some respects in that, you know, it's been a hard year on a lot
9 of fishermen which the shrimp spats show that. And although I
10 don't want to see damage done to the reef, I would like to see
11 it extended some, especially for the dredgers and the tongsers.
12 I think, like you showed, the reefs are in really good shape.

13 But it's darned if you do, darned if you don't.

14 MR. GORDON: Well, I've had a few of the
15 commercial fishermen, dredgers, come up to me and tell me that
16 they feel it's over as far as the dredging reefs go. And they
17 would also tell me, if you say I said that I'm going to deny
18 it. I've talked with some of the dealers that are the same
19 way.

20 And I'm trying to look out for the long term,
21 you know, the long term interest of the crop and the fishermen.
22 And I believe what we have recommended here is -- I believe
23 that's the proper recommendation.

24 But it's up to the commission. But I just
25 wanted to pass on some of the information that I have gotten

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1 And this is this year. This was last week.

2 MR. ZIMMERMAN: I misunderstood.

3 MR. GORDON: But again, I wanted to caution you
4 that it's still too early to tell.

5 I feel that what we need to do is figure like
6 it's going to be a normal year. You know, I don't have my
7 crystal ball or it's broken.

8 MR. BOSARGE: Scott, I'd like to make a motion
9 that we keep G, D, and M open to all public -- and open all
10 public areas south of Pass Marianne, but that we give the
11 executive director the authority to close should he see
12 something truly detrimental but open it for one month until the
13 next meeting, but give the executive director the authority to
14 close it if you see something that you truly think that this
15 needs to stop.

16 MR. GOLLOTT: What about St. Stanislaus? Is
17 that included in there?

18 MR. BOSARGE: Yes.

19 MR. GOLLOTT: Do I have a second on that motion?

20 MR. ZIMMERMAN: Second.

21 MR. GORDON: Excuse me. If you're going to open
22 up the inside that has to be a special management season for
23 that, and it would have to have basically a start and stop
24 date.

25 Those areas are currently closed right now

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1 because of the river stage and whenever we can get a good
2 sample, we could reopen those areas. But you would need to
3 have I guess a start and stop date or a specific amount of
4 time that that area could be open.

5 MR. GOLLITT: I think his motion says 30 days.

6 MR. BOSARGE: Start now and stop 30 days unless
7 the executive director deems necessary to stop it.

8 MR. GOLLITT: All those in favor say aye.
9 Opposed? Motion carries.

10 MR. GORDON: Thank you.

11 Jan Boyd.

12 G. Office of Coastal Zone Management

13 MR. BOYD: Good morning, Mr. Chairman,
14 commissioners, Director Miller, Mr. Runnels.

15 Coastal zone management has 2 items on the
16 agenda for your consideration this morning, and Chris Pickering
17 will be our first presenter.

18 1. Bureau of Wetlands Permitting

19 a. Richard Jones

20 MR. PICKERING: Good morning. This is an after
21 the fact general permit request by Mr. Richard Jones, DMR
22 Number 130241. The location is an unnamed canal adjacent to
23 Bayou LaCroix at 5066 Utah Street in Bay St. Louis, Hancock,
24 Mississippi. It's in the general use district. And the agent
25 is Ferrill Marine Construction.

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1 The project does not serve a higher public
2 purpose.

3 The proposed project is allowable within the
4 general use district.

5 Similar projects have been approved by the
6 commission, and this is not expected to set any precedent.

7 Bulkhead construction and piling installation
8 may temporarily increase turbidity in the construction area and
9 may result in a temporary decrease in the number of benthic
10 organisms.

11 Best management practices will be utilized
12 during all phases of construction to minimize adverse impacts
13 to coastal wetlands.

14 No offsite alternatives have been considered
15 because this is a private residential lot and the project
16 serves to allow the property owner access to the water.

17 A bulkhead, pier, and boathouse do require
18 waterfront location.

19 There are other structures in the area, and this
20 project is not expected to adversely affect the natural scenic
21 qualities.

22 A copy of the application was sent to the
23 Secretary of State and MEMA on December 10, 2013. The Secretary
24 of State says the project is not public trust tidelands.

25 Based upon departmental review and evaluation,

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1 This is an aerial of Mr. Jones. You've got
2 I-10, 603, Highway 90. This is the Jourdan River and Bayou
3 LaCroix.

4 Here's a zoomed in aerial of Mr. Jones property.

5 On March 4, 2013, a general permit was issued to
6 Mr. Richard Jones for a boat ramp.

7 On December 10, 2013, staff received an
8 application for additional structures to be constructed.

9 On January 6, 2014, a site visit by DMR staff
10 revealed that a pier and bulkhead had been constructed without
11 a permit. Ferrill's Marine was informed of the issues and
12 notified that an after the fact application would be required.

13 Here are some of the structures. Right now he
14 has an unauthorized bulkhead 58 feet long, an unauthorized pier
15 31 feet by 6 feet, a proposed bulkhead of 39 feet long, and
16 he's proposing a boathouse 39 feet by 12 feet.

17 Here's a diagram. This is the boat ramp that
18 was previously permitted. As of right now, he has an
19 unauthorized bulkhead 48 feet long, an unauthorized pier 31
20 feet long by 6 feet, and he's proposing 39 feet of bulkhead and
21 also proposing a 39 foot by 12 foot boathouse.

22 This is the pier that was constructed without a
23 permit and also the bulkhead. And you can see flags right
24 there, that's where the rest of the bulkhead is going and the
25 boathouse.

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1 it has been determined that the project is consistent with the
2 Mississippi Coastal Program. Staff recommends issuance of the
3 requested permit and a fine in accordance with Mississippi Code
4 49-27-51.

5 The violation was discovered on January 6, 2014.
6 The duration of the violation is 16 days. Maximum potential
7 fine is \$8,000 with a minimum of fifty. Recommended fine is
8 \$1,000 fine to be issued to Ferrill's Marine Construction.

9 The DMR has issued a known 135 permits to the
10 contractor in the past, so they are aware of the permitting
11 process. Ferrill's Marine should have known any work besides
12 the previously permitted boat ramp also needed to be permitted.

13 The landowner was not aware the contractor did
14 further work without acquiring a permit from the DMR.

15 And Ms. Ferrill is here, and I believe she
16 wanted to make a statement.

17 MR. GOLLITT: Please state your name.

18 MS. FERRILL: Good morning. My name is Linda
19 Ferrill with Ferrill's Marine. I was the agent and contractor
20 for Mr. Jones's project.

21 As stated before, we did get permit to do a boat
22 ramp, and which included bulkheading on both sides of the ramp.
23 And also five additional feet on the side going towards that
24 dock.

25 So during the course of the project, the

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1 homeowner came to us and said he was going to be replacing his
2 deck boards for an existing dock that was already there with
3 that dock was constructed. So we advised him that the pilings
4 underneath were inadequate to put on top of old, so it was
5 agreed upon that we would change out the pilings and construct
6 the dock. And also it was advisable to bulkhead behind to
7 prevent any erosion.

8 So we were already mobilized on the site. It
9 was difficult to get into the yard. So we made the business
10 and economic decision to do it while we were there, and so, you
11 know, being aware of the coastal environments, we knew we were
12 not impacting anything. We knew that it would fit within the
13 general guidelines.

14 So we did construct an extra 40 feet of
15 bulkhead and dock. And we stopped at the end of the dock.

16 So later when he requested to have a boathouse
17 constructed, we included the additional work that we did on the
18 permit application. We're not trying to hide anything. It's a
19 line on the permit that says has any work been done, and we
20 checked it off and we stated.

21 So not being aware that there would be any
22 consequence, especially huge fines for including this. So
23 there was no criminal intent. Everything that we were doing
24 was within the general guidelines so we just ask for mercy and
25 leniency on the fine.

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1 MR. GULLOTT: Thank you very much.
2 Do I have a motion on this or any questions?
3 MR. BOSARGE: And I can understand where you're
4 coming from, but you also knew that there had to be a permit
5 issued to continue on.
6 MS. FERRILL: Right. I mean, we did already
7 have the permit. And from past experiences when we modify a
8 permit, it takes 2 to 3 weeks to get that modification done.
9 We were already there. From a business point of view, it would
10 have meant shutting the crew down, sending them home, waiting
11 because we could not demobilize the equipment. It was very
12 difficult to get into the property.
13 MR. BOSARGE: I understand. Where we're at, we
14 have so many that continue so whether it's right or wrong and
15 then ask for forgiveness later.
16 MS. FERRILL: Right. And no other thing, there
17 was an existing dock there that was 30 feet. And so we built
18 that dock same footprint basically, but we extended the
19 bulkhead to go behind it.
20 MR. BOSARGE: If I'm correct, even to repair a
21 dock, don't you still have to --
22 MR. PICKERING: They can replace the decking
23 boards, but if they do any piling work, which they did, they
24 have to have a permit.
25 MR. BOSARGE: That's fine.

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1 MR. ZIMMERMAN: And I reiterate, this is my
2 second month on the commission and it's like the fifth one in
3 front of me. People need to get their permits going into these
4 projects, not coming and asking for forgiveness as you said
5 earlier, later.

6 MS. FERRILL: And it was just that, you know, I
7 know it seems big, but it was just this 40 foot additional,
8 it's not like we went and cut into the canal five feet or did
9 anything that would not be permissible.

10 MR. BOSARGE: I make a motion that we accept the
11 staff's recommendations and we set the fine at \$500.

12 MR. ZIMMERMAN: Second.

13 MR. GULLOTT: All those in favor. Opposed?
14 Motion passes unanimously.

15 MR. PICKERING: Thank you.

16 b. Ronald D. Thorp

17 MR. DAVIS: Good morning. I'm James Davis.
18 I'll be presenting the next item on the agenda.

19 Before you, we have an after the fact permit
20 request by Ronald Thorp. It's located on the St. Louis Bay at
21 714 North Beach Boulevard in Bay St. Louis, Hancock County,
22 Mississippi. It's in the general use district.

23 Here you can see an overhead of Mr. Thorp's
24 project location. This is located just north of the
25 Bay-Waveland Yacht Club area north of Highway 90 in the Bay.

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1 You can see, this is Mr. Thorp's pier and structure right here.
2 Mr. Thorp's previously permitted structures are
3 an access pier 190 feet by 6 feet, a pier 20 feet by 20 feet,
4 and three mooring pilings. There are three unauthorized
5 structures: the pier that was permitted to be 190 by 6 was
6 constructed to be 179 by 8. Mr. Thorp has reduced that pier's
7 size down to be 179 by 7 to meet our square footage precedent
8 that we have currently for residential structures. A pier 31
9 by 7, and a pier 11 by 10. And total shading associated with
10 this project is approximately 1980 square feet.
11 This is a diagram of the project. The areas in
12 red are the out of compliance seeking authorization, and then
13 the areas supposed to be in blue are the previously authorized
14 structures.
15 Pictures of the area.
16 Some chronology on the project.
17 On November 17, 2010, a general permit was
18 issued to Mr. Thorp.
19 On October 7, 2013, a violation was reported to
20 DMR staff.
21 On October 9, 2013, a compliance check by staff
22 revealed that additional piers had been constructed without a
23 permit. Mr. Thorp was on site that day, and he was informed of
24 the issues on site and after the fact application process. He
25 mentioned he would be out of town for the next few weeks and

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1 would apply for the permit once he was back in town.
 2 On November 1, 2013, staff received an after the
 3 fact permit application.
 4 The project does not serve a higher public
 5 purpose.
 6 The project is allowable within the designated
 7 general use district.
 8 Similar projects have been approved by the
 9 commission, and no precedent setting effects are anticipated.
 10 Pile supported structures should have a minimal
 11 impact on biological integrity and productivity.
 12 The construction is now complete and no new
 13 impacts are anticipated.
 14 No offsite alternatives were considered because
 15 this is a private residential lot and the project serves to
 16 allow the property owner access to the water.
 17 Construction of piers does require a waterfront
 18 location.
 19 There are other piers in the area, and this
 20 project is not expected to adversely impact the natural scenic
 21 quality.
 22 Public notice ran in the Sea Coast Echo and the
 23 Sun Herald on these dates. We did receive two comment letters.
 24 One letter from the adjacent landowner stating that the pier
 25 has cut off water access, phragmites was cut, and the structure

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1 has been constructed on the seawall. Another letter states
 2 that phragmites was cut and they object to any after the fact
 3 authorization granting approval to keep any illegal structures.
 4 Our response to that is the phragmites that's
 5 been cut and the concrete structure are not located in tidal
 6 wetlands. The area of water that the pier has been
 7 constructed across is historically very shallow and is only
 8 accessible by kayaks and canoes. That area is also accessible
 9 from the steps along the seawall. And the commission will have
 10 final determination regarding the issuance or denial of after
 11 the fact permits.
 12 DEQ is currently reviewing the project.
 13 Archives & History has no objections.
 14 Secretary of State, the project will not require
 15 a tidelands lease.
 16 And Wildlife, Fisheries & Parks recommends best
 17 management practices be utilized.
 18 Based upon review and evaluation, staff
 19 recommends that the commission approve the after the fact
 20 request and issue a fine with Mississippi Code 49-27-51.
 21 The violation as discovered October 9, 2013.
 22 The duration until he applied for after the fact permits, 23
 23 days. The maximum potential fine would be \$11,500.
 24 Recommended fine will be \$250.
 25 Decision factors:

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1 Mr. Thorp has had previous permits and is aware
 2 of the permitting process.
 3 The project did require Mr. Thorp to pay for the
 4 public notice to run in two separate papers which amounted to
 5 \$230.64 and for the modifications to his pier to meet our
 6 guidelines.
 7 Mr. Thorp has been very cooperative throughout
 8 the after the fact process.
 9 I would like to also note that the adjacent
 10 landowner that sent in a comment was notified of the project
 11 being presented before the commission today.
 12 MR. GOLLOTT: James, question. What is the
 13 maximum width that a pier could be? I was under the impression
 14 it was six foot.
 15 MR. DAVIS: For it to be considered an access
 16 pier, it is six foot. But as long as there's no vegetation, it
 17 can be as wide as I guess the applicant would want it to be as
 18 long as it meets our square footage requirements.
 19 Traditionally, had this pier not been seven feet
 20 wide, had it been six, it would have been classified as an
 21 access pier, and then these structures here would have fell
 22 under a thousand square feet which would have put this as an
 23 after the fact general permit instead of a permit.
 24 MR. GOLLOTT: Why would you recommend going so
 25 light, \$250 fine, when the guy knew he had to have a permit to

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1 do the work?
 2 MR. DAVIS: Like I said before, he did have to
 3 modify his pier. This pier was constructed to be eight feet in
 4 width. He did modify it to be seven foot in width to meet our
 5 square footage guidelines which residential structures I
 6 believe is 2,016 square feet.
 7 This structure as modified now is at 1980.
 8 He did have to modify his pier, and he did have
 9 to pay for the public notice to run in two separate papers.
 10 So we're trying to take all of that into
 11 account.
 12 MR. GOLLOTT: It's just so many people's coming
 13 with after the fact, you know, apparently the fine is not steep
 14 enough to deter that.
 15 MR. DAVIS: And Mr. Thorp is here if y'all have
 16 any questions for him.
 17 MR. GOLLOTT: State your name, sir, for the
 18 record.
 19 MR. THORP: Ron Thorp. Good morning, gentlemen.
 20 And I apologize for taking up your time with seeing so many
 21 other important things you are doing.
 22 The pier when I constructed it, I had Pink
 23 Marine come in and drive the pilings. And then I have a very
 24 strong back, a pickup truck, and a low IQ, and I built the rest
 25 of that pier myself.

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1 And the next pier I build, it will be my second
2 pier; it was my first pier.

3 And I kept looking at other piers to see how
4 they were built so I could build mine equal to it and maybe
5 make it even a little bit stronger.

6 And when I was building the pier for the walkway
7 going out, I put my runners on the outside of the pier. If you
8 could bring that picture back up showing the pier. And when I
9 did that and I laid down a two by six by eight feet long, it
10 came right over the edge just perfect leaving about three
11 inches on each side.

12 And that is the reason that I ended up having it
13 eight feet wide because the boards were there, and it looked
14 good, and it worked out fine.

15 After talking with Mr. Davis here and learning
16 what I was supposed to have done, I should have put the runners
17 on the inside of the pilings, and then the pier would have been
18 six foot wide. So that was due to my ignorance that the pier
19 ended up being eight feet wide versus six, and I did trim it
20 back right to the railings.

21 The pier, if you can see, does not have water
22 underneath it at the end. And it was strictly built as a
23 social pier, and it was used by my family, friends, and it's
24 been used by the city for various occasions when they've had
25 events.

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1 After having the pier there, I determined that
2 -- I knew when I built it I could never have a boat in there,
3 and the more I kept looking at it, I came up with the idea that
4 if I had the lower deck, I could put canoes and kayaks and
5 skiffs into the water very easily for the enjoyment of my
6 family, my friends, and neighbors.

7 And so after Hurricane Isaac, there was a lot of
8 piers destroyed. Mine was not. It was built strong like bolt,
9 and it stayed there.

10 And while the piling people were drilling in
11 piles to my neighbors, I said come on over, throw in four
12 piles, I'm going to make it where I can make the pier more
13 functional.

14 Again, ignorance on my part, and that's no
15 excuse. So I stand here before you with a tear, and I'll do
16 whatever I need to do to make it right with you all. And I
17 would invite any one of you if you're in Hancock County by the
18 yacht club to stop in and come out onto my pier to nowhere,
19 enjoy the view, and I'd like to show you what I have done.

20 MR. GOLLOTT: Thank you, sir.

21 MR. THORP: Thank you.

22 MR. GOLLOTT: Any other questions? Do we have a
23 motion?

24 MR. ZIMMERMAN: I'd like to make a motion that
25 we put the fine at five hundred and allow it.

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1 MR. GOLLOTT: Do I have a second?

2 MR. BOSARGE: Second.

3 MR. GOLLOTT: All those in favor say aye.
4 Opposed? Motion carries.

5 H. Office of Finance and Administration

6 1. FY 14 Monthly Report

7 MR. FEIDT: Good morning, everyone. Bill Feidt
8 here to present the financial results through the end of
9 December.

10 On the revenue side, we closed December with
11 four and a half million dollars, the bulk of that coming from
12 -- came from the offroad fuel tax, as well as the general fund
13 appropriation and license sales.

14 On the expenditure side, we closed out the month
15 at just under three and a half million dollars. Predominantly
16 that was salaries of \$2.6 million and contractual services of
17 \$600,000.

18 Any questions on this so far?

19 I did not include year end projections that I
20 have in previous months. That's because we're in the process
21 of updating it presently, and we want to get that done and give
22 you a first look at that next month.

23 Jamie and I have been talking, and we're
24 optimistic that we closed the gap, cautiously optimistic that
25 we're going to be close to having a good financial position at

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1 the end of fiscal year.

2 MR. BOSARGE: Looks like we're going to be able
3 to pay our bills?

4 MR. FEIDT: I am cautiously optimistic, but I'll
5 be able to tell you that next month.

6 MR. BOSARGE: Good deal. Keep up the good work.

7 MR. GOLLOTT: Thank you, Bill.

8 MR. FEIDT: Thank you.

9 MR. GOLLOTT: Next we have Melissa Scallan,
10 public affairs.

11 I. Directorate

12 1. Public Affairs

13 MS. SCALLAN: Good morning, commissioners, and
14 Director Miller, Mr. Runnels.

15 We had few events with the holidays and all, we
16 had not as many events.

17 On December 20, we did have a reinterment
18 ceremony for the remains of 31 French colonial settlers. That
19 burial site is next to the visitors center, just west of the
20 Biloxi Visitors Center down the street. The remains were
21 discovered by USM Professor Dr. Marie Danforth and her
22 students. It is the second oldest known French colonial burial
23 site in the country, the first being in Massachusetts. So that
24 was a nice -- it was a very well attended event, a nice event.

25 On January 8, we went to the coast reception in

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1 Jackson and were well represented there. We put Mississippi
2 seafood stickers on everybody that we could find, and they wore
3 them proudly.

4 This week as Director Miller mentioned, we're
5 having DMR Capitol Day on Thursday. We invite you to join us
6 if you can.

7 One thing I forgot to mention is the mentions
8 we've had in newspapers, radio stations, and TV stations, 35
9 times since the last commission meeting. A lot of those had to
10 do with the oyster reefs opening and closing.

11 Any questions?
12 MR. GOLLOTT: Thank you, Melissa.

13 J. Other Business

14 MR. GOLLOTT: Next we have other business.
15 Is Mr. Gilbert Ramsey here?

16 PERSON IN AUDIENCE: His mother died.

17 MR. GOLLOTT: Ma'am?

18 PERSON IN AUDIENCE: His mother died.

19 MR. GOLLOTT: Oh, okay.

20 Do we have any other business?

21 MR. BOSARGE: Yes. I'd like to make a motion
22 that we go into closed session to consider the necessity of
23 going into executive session to consider a personnel matter.

24 MR. GOLLOTT: Do we have a second?

25 MR. ZIMMERMAN: Second.

1 back into open session made by Commissioner Bosarge, seconded
2 by Commissioner Zimmerman, and passed unanimously.

3 And the commission returned to open session.
4 There were no votes taken during the closed
5 session.

6 K. Public Comments

7 MR. GOLLOTT: Okay.

8 Now we come to public comments. When you come
9 to the podium, please state your name for the record.

10 John Sanchez. Is he here?

11 How about Schwartz?

12 Clarence Seymour?

13 Mike Foto?

14 Richard Gable?

15 MR. GABLE: Hello. My name is Richard Gable. I
16 know y'all about tired of seeing me but I'm going to keep
17 coming until hopefully that things can be done.

18 But this morning and last several meetings that
19 I've come to in talking with some people at the Department of
20 Marine Resources, they didn't know what a trammel net was or
21 how it looked like or how it worked. So I made a little sample
22 that I wanted to bring and show.

23 MR. ZIMMERMAN: Richard, speak into the mic.

24 I'm having a hard time hearing.

25 MR. GABLE: Okay. I made a sample of a trammel

1 MR. GOLLOTT: All those in favor. Opposed?

2 Passes.

3 (Off the record.)

4 MS. LEIRER: The commission is in executive
5 session.

6 (Off the record.)

7 MR. GOLLOTT: We're back in session. I'd like
8 for legal to make a report.

9 MR. RANNELS: Thank you, Mr. Chairman. At
10 10:35, commission met on the sixth floor conference room.

11 Present was Vice-Chairman Gollott, Commissioner Bosarge,
12 Commissioner Zimmerman, Executive Director Miller, HR Director
13 Christy Wells, and legal counsel.

14 At that time, there was a discussion on the
15 necessity to go into executive session to determine — to
16 consider some personnel matters. Motion to go into executive
17 session was made by Commissioner Bosarge, seconded by
18 Commissioner Zimmerman, and passed unanimously.

19 At 10:36, the commission went into executive
20 session.

21 Commissioners at that time discussed two
22 personnel matters.

23 At 10:42, the executive director and the HR
24 director left the room.

25 At 10:45, the commission made a motion to go

1 net to show and try to explain how it works.

2 This is a cotton net. It's cotton wall inside
3 material. The red stuff. The big webbing on the outside is
4 the walling.

5 What catches the fish is when it swims through
6 the big mesh out the backside of the big mesh, it creates a
7 pocket. That's what holds the fish. The cotton net is what is
8 actually holding the fish. The diamonds, basically what it
9 does is it fixes it to where it can create the pocket and it
10 will hold your float line to your lead line so that it all
11 works.

12 It's basically three nets, but what catches the
13 fish is the inner net. The outer net or the walling would be
14 12 inches or 14 inches, whichever you can get at the time.

15 In 2002 or 2003, when they put Taylor Key out
16 front off the Bay St. Louis bridge, I had a legal tagged
17 trammel net. It was some of the webbing that come from George
18 Booth whenever they run out that linen and it caught the
19 machine on fire, and I made a trammel net out of it because I
20 knew from '98 Rusty Pittman had told me that they was going to
21 end up putting me a half mile off the beach.

22 Buy them doing that, I knew I would have to make
23 a net that would be able to catch fish in deeper water. So I
24 decided to build a trammel net.

25 When I built the trammel net and brought it over

1 here, it was tagged. I had a tagged legal trammel net.
 2 Now, what I'm asking for is all that webbing
 3 that I bought, cotton material that I have to use now until
 4 they tell me or y'all can decide whether y'all will let me go
 5 back to nylon, but instead of just piling it up and burning
 6 that cotton net before it rots away to nothing, let me put the
 7 nylon walling on it, so I can use it so I can fish.
 8 Right now the way it stands, I can't catch a
 9 fish. A sheephead ain't going to get off in a three and a half
 10 inch stretch net. A black drum ain't. You have to make a
 11 trammel net.

12 And the onliest way I can do it is like I done
 13 it back in 2000 and 2003 when my net was tied then. And that's
 14 what I'm asking about. That's the purpose of me being here.

15 And if the nylon, hypothetically speaking, if
 16 y'all let me go back to nylon or the fishermen, the time period
 17 that it takes for it to take effect so I can use it I can't
 18 work. I can't make no money. I can't make a living. I can't
 19 catch no crabs because there ain't no crabs. So I got to try
 20 to do something or just chalk it all up as a waste and a loss.
 21 And I don't want to have to go and do that because we have
 22 invested a lot of money in trying to keep our way of life
 23 going. And that's the purpose of being here and wanting to ask
 24 about can I have my -- the walling put on it.

25 MR. GOLLOTT: Mr. Gable, we asked the staff this
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1 walling back when you had the approved net?
 2 MR. GABLE: Nylon. The walling was nylon
 3 because the walling ain't what caught the fish.
 4 MR. BOSARGE: I don't know if we have the
 5 authority to do -- in other words, without going through due
 6 process, I don't think we have the authority to just say yes,
 7 you can use nylon walling. We don't have that authority.
 8 MR. GABLE: Well, that's the part I'm asking.
 9 It was approved back then on the degradable Law in '97. In
 10 fact, I had two nets that was tagged. I had back surgery in
 11 '98, and I sat up and hand-knitted a net, and I put nylon
 12 walling on it, inner net was cotton.

13 And then whenever they run that linen off, I
 14 done the same thing, too. By that walling not catching the
 15 fish, they tagged the net. I had the tags. I was stopped by
 16 marine patrol. In fat, I had my boat took, my net took, my
 17 fish and everything took. They brought it here, looked at the
 18 net. A day and a half later, George Wright called me back and
 19 told me that they was bringing it back to me. He brought the
 20 net back to me and apologized for taking my net.

21 MR. BOSARGE: Joe, could you answer some of
 22 these questions, please?

23 MR. JEWELL: The commission did direct the staff
 24 to come forward and present -- make a presentation on the net
 25 material at its earliest convenience.
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1 morning to look into that. Hopefully by next meeting they'll
 2 come with a recommendation or some kind of an explanation so we
 3 can help you. We are aware of your plight and sympathize with
 4 you.

5 MR. ZIMMERMAN: And with that said, make sure
 6 Matt sees that netting that you're asking for and understands
 7 it.

8 MR. GABLE: I've showed it to Matt. But don't
 9 take me as chunking rocks because I'm not. I'm just asking.
 10 I'm kind of a simple minded fellow.

11 So the netting I got now I can't put the walling
 12 on it to use it even though I had one like that in 2002 and
 13 2003. I'm building the same net. In fact, my millet net, I
 14 cut it in half because it was 23 foot deep, entirely too deep a
 15 net to be fishing a bottenwater fish.

16 So until they decide or do I have to wait until
 17 next month before I can fish?

18 MR. BOSARGE: If I understand you correctly, the
 19 walling on the net that you had approved was from the linen
 20 material from Biloxi Fish Net; correct?

21 MR. GABLE: The walling, you could never get the
 22 degradable walling back even in '97, it was -- you couldn't get
 23 that big a mesh because they only made a three and a half inch
 24 stretch.

25 MR. BOSARGE: So what did you have for the
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1 We plan on doing that in February.

2 Now, my understanding -- it might be Joe Runnels
 3 that would be more appropriate to answer this question -- that
 4 until the commission makes a recommended change, which likely
 5 could be in February, that all fishermen have to comply with
 6 all current rules and regulations that are on the books.
 7 Now, I do want to remind -- I have talked to
 8 Richard about this a couple times. And one of the things that
 9 he's frustrated with and one of the things that we're
 10 frustrated with and the commission is frustrated with is should
 11 the commission come forward with a recommendation to the change
 12 that would take in nylon or any change, that change is 12, 14,
 13 16 months out. And that's the frustrated process.

14 MR. BOSARGE: I guess the question that I'm
 15 asking is, because they confiscated the net and then brought it
 16 back to him, the determination was made that the walling wasn't
 17 considered part of the material that net is catching with. In
 18 other words --

19 MR. JEWELL: Well, a trammel net is designed as
 20 an entanglement device, and it particularly has those wallings
 21 in it, and Mr. Gable has described it quite clearly, that it --
 22 what it does is it forms a pocket the fish can't escape from.

23 MR. BOSARGE: Right. I'm familiar with the
 24 trammel net.

25 But why did they give him -- he had nylon
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1 webbing on the walls, why did they give the net back?
 2 MR. JEWELL: When did this happen, Richard?
 3 MR. GABLE: 2003. And then shortly, shortly
 4 after that, when the primary facial (sic) evidence law come in
 5 effect of that, I was going to Campbell's inside bayou because
 6 of rough weather. I got a ticket for the primary facial (sic)
 7 evidence law. That same net was in my boat. I didn't get a
 8 ticket for my net. They didn't take my net. I got the ticket
 9 for being in an unmarked channel.

10 Now, my point I'm trying to make is that it
 11 wasn't about the net because the net was legal, I just had
 12 nylon walling on it because there was no place that made 12 or
 13 14 inch stretch wallings to build a trammel net.

14 And now I may be reading it wrong, and I may be
 15 interpreting the law wrong or Article 22 wrong. But I was
 16 reading in it where it said that the executive director, he
 17 could deem whether his designees, I guess that's the person
 18 that signs off on the nets or whatever, could make that
 19 decision on what I'm asking.

20 I'm not asking to change. What I am asking to
 21 change to nylon. But until that vote is done, until they come
 22 up with that, to fix it to where I can go to work tomorrow or
 23 when the wind quits blowing as hard as what it is, to let me
 24 put the walling on it like it was in 2002 or 2003, I don't got
 25 the dates right, but it was when they was building that reef

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1 will. And if it requires a regulation change, then you're
 2 exactly correct, Joe, it's going to be a lengthy problem and a
 3 lengthy process and we'll have to go out on public notice.
 4 And we'll be able to come back to the
 5 commission next month and tell them whether or not we need to
 6 go through those changes I'm assuming.

7 But if we look at the regulations now and we
 8 consult with enforcement and we determine that he can make a
 9 net under existing regulations in the fashion that he is
 10 proposing, we ought to tell him that he can do that.

11 MR. JEWELL: I can see Matt motioning me that
 12 yes, marine fisheries staff will work with our legal and marine
 13 patrol to evaluate those rules and see what we can do. Okay?

14 MR. BOSARGE: Mr. Gable, we've got to let the
 15 wheels turn as they go as far as the nylon.

16 MR. GABLE: I know, and I understand that, the
 17 way the nylon saying if it takes a little while.

18 MR. BOSARGE: It's going to be a lengthy
 19 process. We're trying to work with you.

20 MR. GABLE: I understand that. But what I'm
 21 asking now, now that I bought the thousand dollars worth of
 22 cotton, at least let me have it back like it was in 2003 to
 23 where at least I can fish.

24 MR. BOSARGE: I think we're to that point.
 25 Hopefully we can --

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1 right off of Taylor reef.

2 MR. JEWELL: Joe, please step in and correct me
 3 if I'm wrong. But my understanding is in 2003 or subsequent
 4 date when he was caught inside Campbell's, the rules and
 5 regulations that are in place now were in place then. And my
 6 understanding is that if we wanted to do a variance of that
 7 rule that will entail an EIS process that we will have to go on
 8 for a notice of intent, that we can't selectively change the
 9 rules or alter the rules until we go through that process. Did
 10 I describe that accurately, Joe?

11 MR. RANNELS: Yes. But I don't think Mr. Gable
 12 is asking right now for you to change something. He says he
 13 would like for you to change it where on the nylon -- I'm
 14 assuming he would really like to have monofilament back.

15 MR. GABLE: No, no, no:

16 MR. RANNELS: But what he's asking is could we
 17 look at the regulations as they exist right now and is there a
 18 way for him to reconstruct whatever net he had in 2002 or 2003
 19 that had I'm assuming a cotton portion and the wall was made
 20 out of nylon, could he reconstruct that net under existing
 21 regulations and use it.

22 I think that's something we're just going to
 23 have to sit down and look at the regulation, sit down with
 24 enforcement, find out what call they did in 2002, 2003, and
 25 let's answer that question for him. And if we can help him, we

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1 MR. GOLLOTT: Mr. Gable, we have instructed the
 2 staff to try to work with you and see if there's a way that you
 3 can do this.

4 MR. GABLE: Oh, Jesus. Is your name Gollott?

5 MR. GOLLOTT: Yes.

6 MR. GABLE: You don't know how much it tickles
 7 me that after 31 years finally somebody seems like they're
 8 listening to me.

9 MR. GOLLOTT: The commission, we agree with you.
 10 If there's any way we can help you, we want to do it. Thank
 11 you very much.

12 Maxine Ramsey.

13 MS. RAMSEY: Good morning. Last month, Director
 14 Jamie Miller gave us a song and dance routine giving MDA DMR's
 15 support of accepting their inadequate rules for leasing and
 16 drilling in Mississippi Sound.

17 We certainly were not surprised with Miller's
 18 yes vote for cronie-ism, politics, and the almighty dollar that
 19 will adversely affect the tourism industry, environment, and
 20 other entities that depend on the tourism industry on the
 21 Mississippi Gulf Coast.

22 I was one of the 50 people who braved the cold
 23 January 6 traveling to Jackson in support of the Sierra Club
 24 and Gulf Restoration Network that also includes the Twelve
 25 Miles South Coalition who are against drilling in the

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1 Mississippi Sound.

2 We attended the Hinds County Circuit Court
3 hearing with standing room only. I have no idea when and how
4 Judge Singletary will rule on the inadequate rules presented by
5 MDA. And it is difficult for me to understand how members of
6 the CMR born and raised on the Gulf Coast do not voice their
7 opinions against this proposed travesty.

8 Miller who is probably not a local yokel and he
9 and Jackson, Mississippi, is telling you and me what to do.
10 They are calling the shots.

11 And you on the CMR board are allowing it all to
12 happen by not saying anything. You need to get out of your
13 comfort zone and speak up for the environment, for tourism, and
14 the overall welfare as a whole for the citizens of the
15 Mississippi Gulf Coast.

16 I wish you all a Happy New Year because you
17 certainly need it.

18 MR. GOLLITT: Steve Shepard.

19 MR. SHEPARD: Yes. Thank you for having me. If
20 possible, I would like to pass out the executive summary by Dr.
21 Jeffrey Bounds to each of you. It's a two page pretty easy to
22 read summation of Dr. Jeffrey Bounds' economic analysis. Can
23 you do that for me? Okay. If you don't object.

24 If you don't mind, give this to Mr. Zimmerman.
25 This is the full report. Mr. Zimmerman represents the

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1 environment. I'd like him to have the full report. And I can
2 give everyone the full report by Dr. Jeffrey Bounds next month
3 if you are interested in finding out a person who actually did
4 an economic analysis of what drilling could do to impact our
5 economic activity.

6 In the large report, the 18 page report that Dr.
7 Bounds wrote, he also mentioned in the back -- I don't really
8 have a full resume on him -- but Dr. Bounds is a native
9 Mississippian. I'm under the impression he's from Gulfport.
10 And he has four degrees from the Massachusetts Institute of
11 Technology. So he's highly qualified. He has a Ph.D. in
12 engineering. So he's a highly qualified person.

13 When we went to the meeting in Jackson, or I
14 should say the hearing in Jackson, where our lawyer stood up
15 against the MDA lawyers with Judge Singletary ruling, the issue
16 that our side presented was that we don't have to drill, that
17 it is a may situation, that the law actually says not that you
18 shall drill, but that you may drill while the Mississippi
19 Development Authority stood there and said we have to drill, we
20 have to drill no matter what happens because the legislature
21 authorized that.

22 So it will be curious to see how the Judge
23 rules. I have a feeling that he's going to rule, since the law
24 apparently says, quote, may, and not, quote, shall, that it
25 really is up to the commission and the Mississippi Development

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1 Authority to take each drilling possibility and examine it and
2 look at it and say, okay, if we drill right next to Fort
3 Massachusetts and we run off 10,000 tourists a year because
4 they don't want to go out at the fort and look at this drilling
5 rig that's sitting a mile away, that is what we're asking for.

6 We're asking for each case to be considered.

7 And I'm here hoping that our commission will seriously not
8 rubber stamp anything the Mississippi Development Authority
9 says they want in the way of drilling because again, if we have
10 oil rigs sitting within a mile of Horn Island, a mile of Petit
11 Bois Island, or right off of Fort Massachusetts, we're going to
12 end up with the Dauphin Island situation which is hugely
13 different than the Gulf Shores situation. Gulf Shores has a
14 deal where no rig is allowed within 15 miles. And you look at
15 how tourists flock down there even though they don't have
16 gambling. I mean, we have gambling, but we also have this
17 scenic beach, and I think it's that combination that brings
18 people here. And we're hoping we can continue to have that.

19 And on the other hand, if we really want
20 drilling in Mississippi waters which in my own opinion I think
21 it's a mistake wherever we put it because I think there's
22 negative environmental, as well as tourist, impacts, there
23 still is those blocks sitting near Pascagoula that could be
24 drilled. I hate to see it myself. I think it's bad. I hate
25 to see it right near Grand Bay NERR. The Grand Bay NERR is

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1 nowhere near the tourist draw that Ship Island, Horn Island,
2 Petit Bois Island are.

3 And so I'm not even saying we're going to have
4 100 percent elimination of drilling if this commission decides
5 to when a permit comes up turn down the seismic testing or turn
6 down the drilling. It could be we will end up with a few rigs
7 in the Mississippi Sound. I think they'll all be negative, but
8 in terms of the economic study that Dr. Bounds has done, I
9 think it's based on people flocking down here to see what we
10 have and enjoy the beauty.

11 And I have to admit that if you're -- I don't
12 think many tourists are going to Pascagoula. I mean, it's
13 already a fairly ugly place in my opinion. I went to
14 Pascagoula High School. I'm from Jackson County, you know.
15 And I got to admit that if you threw a rig out there next to
16 the Chevron Refinery, it would be hard to tell how much uglier
17 you made the place. But that's different from Fort
18 Massachusetts, and that's different from off of Horn Island.

19 So that's all I'm here for is I'm hoping that
20 the commission will look at each case and look at Dr. Bounds'
21 study and hopefully decide that we don't need most of the rigs
22 that the MDA is saying have to be brought here, that there's no
23 choice, they must be put in. And we must look at each case and
24 hopefully rule against frankly most of them.

25 Thank you.

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1 MR. GOLLOTT: Steve, let me make a couple of
 2 comments.
 3 Are you aware that not one (inaudible) has
 4 applied for? And number two, just because the commission is
 5 not jumping up and down don't mean we don't really care. We're
 6 in the seafood business, and we understand the impact.
 7 And, you know, we do understand that coming
 8 before us to get a permit, we will be able to put stipulations
 9 on.
 10 MR. SHEPARD: Well, see, I wouldn't be here if I
 11 thought there weren't hope that people care here, just as
 12 Maxine's talk earlier. I mean, you're from the coast. We're
 13 right in the middle of it, you know.
 14 MR. GOLLOTT: I assure you, I can tell you, I
 15 care. And I know the rest of the commissioners do, too. Thank
 16 you.
 17 MR. SHEPARD: Thank you.
 18 MR. GOLLOTT: Ms. Lightner.
 19 MS. LIGHTNER: My name is Carol Lightner. And
 20 first of all, thank you for letting us be here.
 21 This will be in my own words.
 22 I was shocked in Hinds County on January 6,
 23 2014, when Judge Singletary so much as ordered WLOX Doug Walker
 24 out of the courtroom and not allow him to cover the court
 25 proceeding. So much for transparency. Business as usual.

1 Do we have any more public comments?
 2 If not, this concludes the commission's meeting.
 3 Do I have a motion to adjourn?
 4 MR. BOSARGE: So moved.
 5 MR. ZIMMERMAN: Second.
 6 MR. GOLLOTT: All those in favor. Opposed?
 7 Commission is adjourned.
 8 (Meeting adjourned 11:20 a.m.)

1 Also, in Hinds County, discussion about the
 2 seismic explosions for first time is false. As long as 50
 3 years ago, there were seismic explosions on the Gulf Coast.
 4 The three reasons given for -- to drill. Tourism. Fishing.
 5 Safety of the oil companies.
 6 BP should be blown out of the water for the --
 7 should be blown the third reason out of the water.
 8 Does our former oil lobbyist Governor Haley
 9 Barbour who pardoned murderers and sex offenders as he hit with
 10 the governor's mansion's door, or does our lawn mower gas
 11 smelling Governor Phil Bryant or Senator Wicker's son-in-law
 12 Manny McPhillips, MDA employee, or Jack Moody, MDA program
 13 director of the state mineral leasing playing a part in the
 14 unnecessary drilling?
 15 And it seems some of the DMR, CMR, MDA and some
 16 politicians are in the oil business, real estate business,
 17 yacht business, etcetera, instead of the Department of Marine
 18 Resource business, like they were hired and elected to do.
 19 Destruction of the Mississippi Gulf Coast
 20 environment will not help in regaining trust and reputation of
 21 the DMR. When all is said and done, that's all you have left
 22 is your reputation.
 23 Hope you sleep well and have -- with how you
 24 have treated the people of the Mississippi Gulf Coast.
 25 MR. GOLLOTT: Thank you, ma'am.

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 75 pages constitute a true and
 10 correct transcription of said meeting held on the 21st day of
 11 January 2014.
 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 7th day of February
 17 2014.
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NORMA JEAN LADNER SOROE, CSR #1297
 Certified Shorthand Reporter