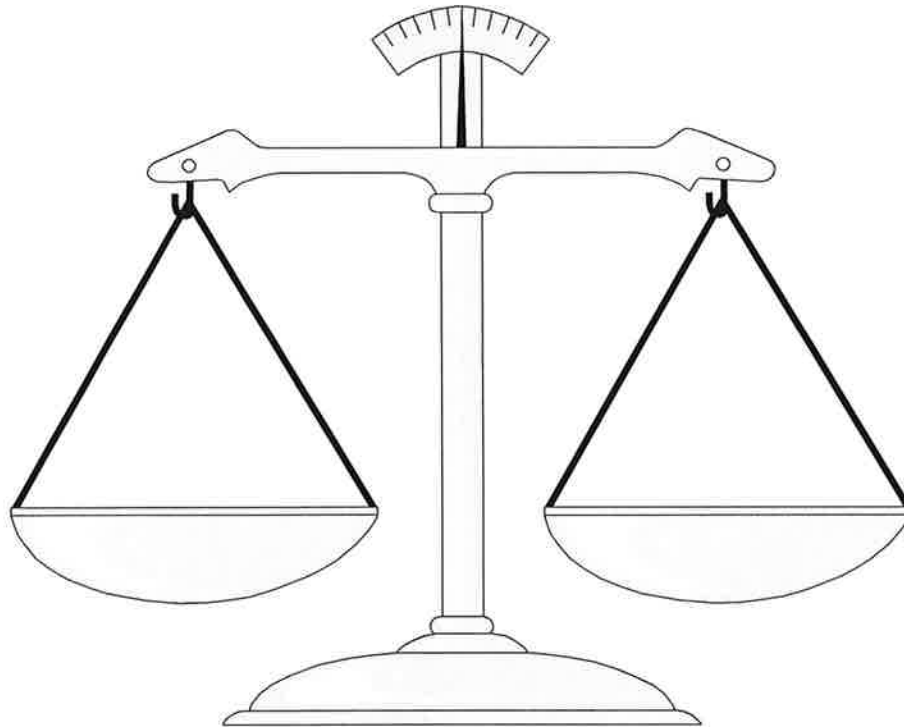


# *Compressed Transcript*



COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

July 16, 2013

**N.J. Soroie, CSR, P.O. Box 2102, Bay St. Louis, MS 39521  
(228) 467-2199**



1 COMMISSION ON MARINE RESOURCES  
2  
3 MEETING OF COMMISSION ON MARINE RESOURCES  
4 July 16, 2013  
5  
6 \*\*\*\*\*  
7 TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT  
8 BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW  
9 AVENUE, BILOXI, MISSISSIPPI, ON THE 16TH DAY OF JULY 2013  
10 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER  
11 SOROE, CERTIFIED SHORTHAND REPORTER.  
12 \*\*\*\*\*  
13  
14 COMMISSION MEMBERS PRESENT:  
15  
16 JIMMY TAYLOR, Chairman  
17 RICHARD GOLLOTT  
18 SHELBY DRUMMOND  
19 STEVE BOSARGE  
20  
21 ALSO PRESENT:  
22  
23 JAMIE MILLER, Director DMR  
24 JOSEPH R. RUNNELS, ESQ., Asst. Attorney General  
25 SANDY CHESNUT, ESQ., Asst. Attorney General

1 A. Call to Order  
2 MR. TAYLOR: I'd like to welcome all of you to  
3 the July CMR meeting. And as usual, if we have a time in the  
4 meeting for comments, if you want to make a comment, there are  
5 comment forms in the rear you have to fill out and give to  
6 Sandy or Jennifer. She'll get them and bring them up, and  
7 we'll give you some time.  
8 Okay. First order of business on the agenda is  
9 the election of officers for 2014. Do I have a motion to do  
10 the election of officers?  
11 MR. GOLLOTT: So moved, Mr. Chairman.  
12 MR. TAYLOR: Okay. Is there a second?  
13 MR. DRUMMOND: I second it.  
14 MR. TAYLOR: All in favor. Passes. Okay.  
15 Are there any nominations for chairman?  
16 MR. BOSARGE: I'd like to nominate Jimmy Taylor  
17 as chairman.  
18 MR. GOLLOTT: I'll second that.  
19 MR. TAYLOR: All in favor. Hold on a second.  
20 Are there any other nominations for chairman? All those in  
21 favor. Okay.  
22 Are there -- okay. I'll entertain a motion for  
23 nominations for vice-chairman.  
24 MR. DRUMMOND: Mr. Chairman, I nominate Richard  
25 Gollott for vice-chairman of the commission.

1 MR. TAYLOR: Is there a second?  
2 MR. BOSARGE: I'll second.  
3 MR. TAYLOR: All those in favor. Passes  
4 unanimously. Thank you.  
5 B. Approval of Minutes  
6 MR. TAYLOR: Okay. Next order of business is  
7 approval of the minutes. Are there any corrections or  
8 deletions on last month's meeting? If not, I'll entertain a  
9 motion to approve the minutes.  
10 MR. GOLLOTT: So moved.  
11 MR. DRUMMOND: So moved.  
12 MR. TAYLOR: Second?  
13 MR. GOLLOTT: Second.  
14 MR. TAYLOR: All those in favor. Passes  
15 unanimously.  
16 C. Approval of Agenda  
17 MR. TAYLOR: Okay. Approval of the agenda. Are  
18 there any changes or deletions in the agenda you would like to  
19 make? Then I'll entertain a motion to approve the agenda as  
20 published.  
21 MR. DRUMMOND: So moved, Mr. Chairman.  
22 MR. GOLLOTT: Second, Mr. Chairman.  
23 MR. TAYLOR: All those in favor. Passes  
24 unanimous.  
25 D. Public Comments

1 MR. TAYLOR: Since we have no public comments,  
2 we are going to move on to the executive director's report.  
3 MR. MILLER: Thank you, Mr. Chairman.  
4 As part of my report, we will be doing the bid  
5 opening for the two vessels, The CALIFORNIA and The TOPAZ.  
6 We've asked our attorney, Sandy Chesnut, to open those  
7 envelopes with our acting marine patrol chief, Rusty Pittman,  
8 to witness.  
9 But I've got just a brief statement in regards  
10 to the advertisement.  
11 The MDMR advertised for the submission of sealed  
12 bids for The TOPAZ and CALIFORNIA boats on Friday, June 21, and  
13 Friday, June 28.  
14 Bids were accepted until 3:00 p.m. on Monday,  
15 July 15, 2013, with the bid opening to take place at the  
16 Commission on Marine Resources regular scheduled monthly  
17 meeting today, Tuesday, July 16, 2013.  
18 The department received 20 bids by the  
19 advertised deadline. As advertised, the bids will now be  
20 opened and read aloud.  
21 As a reminder, this will serve only as the bid  
22 opening. No discussion will be entered into with any bidder or  
23 any member of the public as to the quality or provisions of the  
24 specifications, and no award will be made, either stated or  
25 implied, at this bid opening.

1 The MDMR reserves the right to reject any and  
2 all bids and to waive any informality, including but not  
3 limited to bids that the agency deems disproportionate in  
4 comparison to the estimated value of the vessels.

5 And I will make one more comment. There's been  
6 a lot of questions and comments about the decision that was  
7 made to remove the electronics from these two vessels. And I  
8 want to be clear that the decision was made that these vessels,  
9 these electronics, were purchased with State of Mississippi  
10 taxpayer money and that they served a higher purpose in value  
11 for the agency moving forward, whereas the two recreational  
12 vehicles themselves did not. So we made a decision to pull  
13 those electronics off to use on our working vessels in the  
14 future.

15 So I don't want there to be any questions about  
16 why the decision was made or whether it was the right decision.  
17 We believe and I believe and directed our staff to remove those  
18 electronics because they have a higher purpose for our agency's  
19 mission.

20 Are you prepared to open the bids, Sandy?

21 MS. CHESNUT: They are being retrieved at this  
22 moment. Momentary delay.

23 I can explain the process that we'll be doing.  
24 I will be opening the bids. Rusty Pittman will be serving as  
25 the witness for the bids. And Tom Doster will tally all the

5

1 bids. And then once we are finished, the bids will be posted  
2 on a bulletin board in the hallway for review. So just to kind  
3 of give you a little overview of the process.

4 The first bid opened is from Debbie Landry May.  
5 This is a bid on The CALIFORNIA in the amount of \$66,100.

6 The second bid is from Debbie Landry May. This  
7 is on The TOPAZ in the amount of \$27,600.

8 The next bid is from Michael O'Dwyer on The  
9 CALIFORNIA in the amount of \$87,500.

10 The next bid is from John Higginbotham on The  
11 CALIFORNIA in the amount of \$6,000.

12 MR. DRUMMOND: How much?

13 MS. CHESNUT: Six thousand.

14 The next bid is from John Higginbotham, as well,  
15 on The TOPAZ for \$5,000.

16 This bid is from William Moseley on The  
17 CALIFORNIA in the amount of \$1,015.

18 This is also from William Moseley on The TOPAZ  
19 in the amount of \$1,015.

20 This bid is from Edward Currie on The CALIFORNIA  
21 in the amount of \$29,000.

22 Next bid is from Edward Currie on The TOPAZ in  
23 the amount of \$16,000.

24 A bid from Mitchell Marine, Incorporated, on The  
25 TOPAZ in the amount of \$25,250.

6

1 Another bid from Mitchell Marine on The  
2 CALIFORNIA in the amount of \$32,250.

3 Bid from Unique Collision Center on The TOPAZ  
4 for \$21,209.94.

5 Another bid from Unique Collision Center on The  
6 CALIFORNIA in the amount of \$66,357.91.

7 Bid by Christopher Vancleave. This is for The  
8 TOPAZ in the amount of \$12,100.

9 This bid is from Donnie Ladner on The TOPAZ in  
10 the amount of \$34,287.50.

11 This is from OS Management Group, a bid on The  
12 TOPAZ in the amount of \$25,000.

13 A bid from D&N Towing & Salvage on The  
14 CALIFORNIA for \$3,500.

15 And a bid from D&N Towing & Salvage on The TOPAZ  
16 for \$3,500.

17 Bid from Richard Foreman on The TOPAZ for  
18 \$13,000.

19 Another bid from Richard Foreman for The  
20 CALIFORNIA for \$28,500.

21 A bid from Aral Orreals on The TOPAZ in the  
22 amount of \$15,000.

23 This bid is from George Keridan on The TOPAZ in  
24 the amount of \$11,001.

25 This bid is from Carol Houpt, and this is on The

7

1 CALIFORNIA in the amount of \$82,000.

2 Next bid is from Fairco, Incorporated, on The  
3 TOPAZ in the amount of \$23,777.

4 Another from Fairco, Incorporated, on The  
5 CALIFORNIA in the amount of \$17,777.

6 This is from Anthony Fournier on The TOPAZ in  
7 the amount of \$38,614.05.

8 And I think that's it.

9 And that concludes the bids.

10 MR. MILLER: Thank you.

11 Let me just read one or two more statements.

12 Thank you, Sandy.

13 This does conclude the bid opening. If a bid is  
14 accepted, the sale must be approved by the Mississippi  
15 Department of Finance & Administration.

16 A decision will be announced as soon as possible  
17 but no later than Friday, July 26, 2013.

18 These bids will be posted on the bulletin board  
19 in the hallway if you want to review those bids.

20 And again, let me just say that the MDMR  
21 reserves the right to reject any and all bids and to waive any  
22 informality, including but not limited to bids that the agency  
23 deems disproportionate in comparison to the estimated value of  
24 the vessels.

25 And also would like to mention that we will

8

1 convene a committee made up of two commissioners, marine  
 2 fisheries staff, and myself, to review these bids to make a  
 3 decision about what is the proper and best decision regarding  
 4 the bids for the vessels.  
 5 Thank you very much.  
 6 MR. TAYLOR: Okay. I'm going to back up. We  
 7 have some comments handed to me. Evidently they didn't realize  
 8 they had to sign for them.  
 9 And under the comments, if you would, come  
 10 forward to the microphone, state your name, and then I'll give  
 11 you three minutes.  
 12 The first one is Tao Vu.  
 13 MS. VU: Good morning, everyone, Director Miller  
 14 and the commissioners. My name is Tao Vu. And I'm also here  
 15 on behalf of Mr. ( ). He also just recently signed a  
 16 comment form, and that's why I asked him to join me instead of  
 17 coming back up in a few minutes.  
 18 Again, my name is Tao Vu. And I work with  
 19 Mississippi Coalition for Vietnamese American Fisher Folks and  
 20 Families. We're a nonprofit organization formed after the BP  
 21 oil disaster.  
 22 And I would like to really emphasize the  
 23 importance of addressing language barriers and access on the  
 24 front end. For example, just having this agenda right here in  
 25 front of us translated into Vietnamese language for those who

1 Thank you.  
 2 MR. TAYLOR: Thank you very much for your  
 3 comments. We'll look into that, also.  
 4 This is ( ) Do.  
 5 MS. VU: Again, he asked me to translate this,  
 6 so the translated comment or statement that he wanted me to  
 7 read out to the commission.  
 8 My name is ( ), and this is addressed to  
 9 the DMR commissioners.  
 10 I am a commercial fisherman, specifically a boat  
 11 owner and captain for the vessels LEE BEN 1 (ph.) and LEE BEN 2  
 12 (ph.).  
 13 I have been dredging oysters and shrimping on  
 14 the Mississippi Gulf Coast for many years. I've actually been  
 15 a commercial fisherman in my native country of Vietnam for  
 16 decades and come from a family of multi-generational fishermen.  
 17 Recently I was informed that Congress may have  
 18 approved some federal disaster funding for oyster harvesters  
 19 and crabbers in the State of Louisiana that was impacted by the  
 20 BP oil disaster.  
 21 I'm inquiring if this is true and when DMR plans  
 22 to disburse these funds to fishermen.  
 23 After the BP disaster, many of us are very  
 24 familiar with Louisiana fishermen who received some kind of  
 25 disaster funding from Louisiana Wildlife & Fisheries based in

1 have language barriers. You know, this is a public meeting,  
 2 and for the majority of Vietnamese American community, who are  
 3 very dependent on commercial fishing for their livelihoods and  
 4 jobs, you know, the topics and issues and concerns that are  
 5 brought up at these types of meetings are very important and  
 6 relevant to their livelihoods and jobs and way of life. And  
 7 it's very important that, you know, we work together to try and  
 8 address all these language needs.  
 9 That also means having interpreters at the  
 10 meetings and doing outreach in a different manner. We know  
 11 that DMR typically does outreach in terms of notifying meetings  
 12 and notices through the website, you know. But for many  
 13 minority families all along the coast, and it's not just the  
 14 Vietnamese community, they lack computers. They don't have  
 15 e-mail. And they're not aware of the meetings or anything that  
 16 is important topics that are discussed at the meetings that  
 17 they should attend or participate in.  
 18 So addressing language barriers, such as having  
 19 interpreters, translated documents or translated agenda, and  
 20 providing interpreters, I think that's a very good start that  
 21 will help, you know, in terms of the agency working and better  
 22 communication between agencies and the various community  
 23 diverse population we have here on the coast, and I think it  
 24 will address, you know, immediate the concerns and sometimes  
 25 the miscommunication that happens between all of us.

1 Baton Rouge, Louisiana.  
 2 We want to know when commercial fishermen who  
 3 have been impacted by this oil disaster will receive this  
 4 disaster assistance funding.  
 5 In addition, specifically for oyster harvesting,  
 6 which has been my primary livelihood, the oyster reefs have  
 7 been closed for the most part since 2010. And to this day, it  
 8 still is closed except for last year it opened five to six  
 9 weeks.  
 10 I have not received any interim compensation  
 11 from back then Gulf Coast Claims Facility, nor the BP  
 12 settlement, for all of the losses I suffered and reduced income  
 13 that I've had to experience as a result of these closed  
 14 fisheries.  
 15 I know that one of the early restoration  
 16 projects was placing cultch on that reef. At this point, we  
 17 don't know when those reefs will be reopened. It will be  
 18 reopened when it's healthy and there is enough baby spat sets  
 19 that will grow up to become adult oysters that we can harvest  
 20 in the future.  
 21 And we really have experienced great financial  
 22 hardship, particularly because of these closed fisheries. We  
 23 don't know when the fisheries will reopen like it was before  
 24 this BP disaster. It may be seasons before it's opened again.  
 25 Before the BP disaster, the oyster season typically lasted

1 almost eight months for us.

2           There was a sufficient way for me to be able to  
3 provide and support my family. It was a great income but it  
4 was sufficient where I no longer depended on federal benefits.  
5 But at this point, since the BP disaster, I've had to depend on  
6 federal benefits and social service providers because my income  
7 has been drastically reduced because of closed fisheries.

8           Please look into disaster assistance funding for  
9 commercial fishermen. We greatly need it at this point. Thank  
10 you.

11           MR. TAYLOR: Thank you. You made some good  
12 points. However, I just want to reiterate that the floods, the  
13 opening of the Bonnet Carre Spillway in 2012, really did  
14 probably as much or more harm as -- I'm not a biologist, but we  
15 know that it killed most of our reefs in western Harrison  
16 County. So thank you for your comments very much.

17           Next up is office of finance and administration,  
18 overview of agency grants and budget overview.

19 F. Office of Finance and Administration

20       1. Overview of Agency Grants

21           MR. MILLER: Thank you, Chairman. I'm going to  
22 provide this presentation, although it's a result of effort  
23 from everybody in the agency. I've asked to get information on  
24 each and every one of the grants that the agency deals with,  
25 and I know the commission has made it a commitment and voiced

13

1 post-Katrina. It was September '06 and will close out this  
2 year August. So the grant award was \$37 million, and we've got  
3 a remaining balance of about a hundred thousand there. No  
4 match was required.

5           Next came EDRP-2 which was in December of 2007  
6 and will conclude September of 2013. This grant award was for  
7 \$25 million, and we've got an obligated balance remaining of  
8 about six hundred eighty thousand.

9           Next -- remember, these programs exist in  
10 several different offices within the agency, but I have put  
11 them together under the federal partner who we receive the  
12 money from. So this is through NOAA, through Department of  
13 Commerce. It's a joint enforcement agreement or JEA. It's a  
14 federal/state agreement to prevent and detect violations  
15 identified in the Magnuson-Stevens Fishery Conservation  
16 Management Act. This runs annually. It's July '12 through  
17 June '13, and the grant award, most recent grant award, was  
18 \$553,000.

19           This is an example, one example, of some of the  
20 things we do with the JEA money. It supports the equipment and  
21 boats that our officers use to patrol waters here, state waters  
22 and federal waters. I don't know if you can see that picture,  
23 but it's basically just to refurbish one of our vessels. I'm  
24 not sure which one this is, maybe The MOOSE -- CAPTAIN MOOSE,  
25 I'm sorry.

15

1 that to me about at least having the overview of the grants and  
2 the current status.

3           So this is kind of a broad overview, but I think  
4 it's important for everyone to kind of get a sense of how many  
5 grants we're actually operating.

6           So with that, let's go.

7           So to separate these by agency or U.S.  
8 departments. So we'll start with Department of Commerce, which  
9 is NOAA. NOAA is a large funder of some of our federal  
10 programs here.

11           Coastal Zone Management is a large funder, about  
12 \$1.1 million annually. That goes to our coastal ecology or our  
13 now coastal zone management staff. It provides for about ten  
14 staffers, travel, supplies, and equipment. And it is one to  
15 one match. We match that million and one with state dollars.

16           Next is National Estuarine Research Reserve or  
17 the NERR which is the facility that we have, Grand Bay NERR in  
18 eastern Jackson County. It is also matched with state dollars.  
19 And this is kind of a recent running total of that federal and  
20 state funding stream and the obligated balances.

21           This is NOAA through Gulf States Marine  
22 Commission partners with us, provides in time post-disaster,  
23 disaster assistance, emergency disaster assistance program. So  
24 we refer to this as Emergency Disaster Recovery Program 1. It  
25 was a congressional appropriation. The initial one was

14

1           And this is just a picture of our officers  
2 boarding boats as part of the JEA agreement.

3           So Department of Interior, Bureau of Ocean  
4 Energy Management. This is GOMESA, Gulf of Mexico Securities  
5 Exchange Act. This was initiated December 2007. There's no  
6 end date. The grant award was six million one hundred fifty  
7 thousand, and the obligated balance remains at \$2.9 million.

8           Coastal Impact Assistance Program. This was --  
9 we've got 105 projects located in the three coastal counties.  
10 Mississippi's allocation was \$71 million. Remaining balance  
11 for that obligated balance is thirty-eight million. This is a  
12 pass-through grant. This money, we are the administrator, the  
13 manager of this money, but most if not all this money flows  
14 through our agency in the three coastal counties for their  
15 projects. And then the counties have a direct allocation of  
16 \$38 million.

17           Another through the Department of Interior,  
18 National Park Service, our Mississippi Gulf Coast Heritage  
19 Area. This was designated by Congress October '10, the grant  
20 award October 2010 through September of '13. The grant award  
21 was three hundred two thousand. We've got a remaining balance  
22 of about sixty-five thousand. This represents about 12  
23 projects. This is also matched one for one with state money  
24 through our tidelands grant funds.

25           U.S. Fish & Wildlife Service is another large or

16

1 not large but a primary federal partner of ours. Wildlife and  
2 sport fish restoration. This is just some examples. Wildlife  
3 Restoration Grant Program, Sport Fish Restoration Grant  
4 Program, the Clean Vessel Act, boating infrastructure grant,  
5 National Coastal Wetlands Conservation grant.

6 And this is a breakout of each of those projects  
7 within those programs. Sport fish tag and release, sport fish  
8 studies coastal Mississippi, artificial reef program, striped  
9 bass restoration, coordination planning administration,  
10 Mississippi boat access program, boating infrastructure grant,  
11 Clean Vessel Act.

12 Others. Fuel reduction grant. This is at the  
13 NERR, but I've listed it because of the federal partner was a  
14 grant given in August of 2010. It does not expire until 2015.  
15 It was a \$90,000 grant. And we've got about forty thousand  
16 five hundred left. No match required.

17 And stewardship trail also a program at the  
18 NERR, August '12. It runs through August of 2015. It was a  
19 \$10,000 grant award.

20 Gulf States Marine Commission. They provide  
21 funds to us. They get their funds primarily through NOAA, I  
22 believe. But one of the programs we are receiving funds for is  
23 biological sampling. Basically the purpose is to conduct  
24 biological sapling in Mississippi's three coastal counties and  
25 collect and process otoliths from species important to

17

1 remaining. This is in collaboration with NOAA and the City of  
2 Pascagoula and several other local and federal partners.  
3 Mississippi Seafood Testing Program which was  
4 provided funding by BP. This was initiated in January of '12  
5 through December of '15. The grant award was \$545,000. No  
6 match was required.

7 Mississippi seafood marketing also funded  
8 through BP. There's an MOU we have with BP to market seafood  
9 industry and Gulf seafood. January of '12 and runs through  
10 January of 2015. The total was \$3 million. We have about \$1.4  
11 million remaining obligated balance.

12 And then this is National Fish & Wildlife  
13 Foundation, shell marine habitat program and Nature  
14 Conservancy. This was Biloxi Bay oyster habitat restoration.  
15 This was initiated in May of '12, runs through December of this  
16 year. The award was \$136,000. We provide in kind match  
17 through staff and equipment.

18 So that was really quick and an overview, but I  
19 just wanted to give y'all a sense and everyone a sense of how  
20 many federal partners and other -- all the grant programs in  
21 addition to just the state responsibilities and state funding  
22 that we receive.

23 So we'll continue to work on updating this and  
24 providing information monthly on the status of these grants and  
25 future grants we may receive. But we can go to the budget

19

1 recreational and commercial fishery. This is done annually  
2 January through December. The grant award is \$62,000. The  
3 program began back in 2003. No match was required.

4 Trip ticket program. Trip ticket system is used  
5 to collect commercial landing associated information by trip.  
6 Information gathered and reported through this program is  
7 beneficial to the fishermen and fishery managers. This is also  
8 annually January through December. Grant award is two hundred  
9 thirteen thousand. And it began in 2012. No match is  
10 required.

11 Marine Recreational Information Program or MRIP,  
12 also January through December. Grant award \$210,000. This  
13 program began back in 1997, and no match is required.

14 Gulf of Mexico Program which is a program funded  
15 through the Environmental Protection Agency, we partnered with  
16 them to do Deer Island restoration. This is Phase 2. It's  
17 community based restoration partnership grant to create living  
18 shorelines for erosion control. This grant January will run  
19 through December. Grant award was \$55,000. We've got a  
20 remaining balance of about seventeen thousand. This is matched  
21 with our in kind services, our staff time, and other equipment.

22 Another gulf of Mexico program, a project at the  
23 NERR habitat risk assessment tool. This was January 2009 and  
24 would wrap up in September of 2013. The grant award was three  
25 hundred fifty thousand with a very small obligated balance

18

1 presentation now.

2 So this is -- let me just couch this and give it  
3 a qualifier. This is simply a look at our state revenues and  
4 state expenses. It does not include our federal grants. It is  
5 only state funds, state revenues. And so we just closed out  
6 Fiscal Year 13. And so as you can see, the revenues broken out  
7 by category, our revenues were about 6.2 -- not about, but  
8 exactly 6.2, seventy-six four six one and thirty-four cents.

9 Our expenditures seven million two seventy-two  
10 five six five.

11 Which of course brings us to a -- for Fiscal  
12 Year 13 we had a deficit of about nine hundred ninety-six  
13 thousand.

14 Let me just say that we have money and have paid  
15 this. This is just as a planning and as we're budgeting moving  
16 forward, just to kind of show that the current revenue and  
17 expenditures that the sate is incurring through state funds is  
18 not sustainable. So we're addressing those issues now. But  
19 this \$996,000 does not represent any bills or anything that has  
20 not been paid. We have paid all this. We are just wanting to  
21 show that currently the last several fiscal years even as I  
22 went back, we've run similar deficits. So trying to correct  
23 cores, make sure we don't stay in this kind of path.

24 So we'll go to projected Fiscal Year 14 revenue  
25 which is based off our general appropriation at \$1.125 million.

20

1 Off road fuel tax three million. And these others are  
 2 estimates based on historical data of the agency, license  
 3 sales, fines, penalties, interest, miscellaneous, some indirect  
 4 costs. Our indirect costs are money that we get associated  
 5 with handling federal dollars, and so that indirect cost is  
 6 about half of what it was last year, and so that potentially  
 7 could be more but conservative estimate we anticipate about  
 8 \$5.5 million in state revenue.

9 And then projected state expenditures based on  
 10 historical track record. Of course, we know very close what  
 11 our salaries will likely be and travel and other things, so we  
 12 anticipate that being about \$7.2 million, which would bring us  
 13 to about a \$1.7 million deficit. And again, this is projected.  
 14 We are working diligently now to look at how our -- how we pay  
 15 for our personnel, how we pay for equipment. We're looking at  
 16 how we can substitute state money with federal money when  
 17 eligible. And we're working on a plan that will bring to the  
 18 commission and to our -- of course, as we go to Jackson and  
 19 meet with our coastal delegation this fall.

20 So this is just a -- for planning and projection  
 21 purposes kind of where we stand, and so we'll have more  
 22 information about how we intend to meet some of these  
 23 shortfalls in August.

24 This is quickly just tidelands. This is from  
 25 2013. This was the actual amount we got from the Secretary of

21

1 State's Office for our tidelands leases. And this was  
 2 basically the breakout, managed programs. Of course, we had  
 3 some payments for Deer Island, the bond payment, and then  
 4 public access projects that the delegation places individually  
 5 in the appropriations bill.

6 And then for 2014, the estimate now is about  
 7 \$9.7 million. We won't know exactly what that is until the  
 8 leases are paid, and we'll get an exact number from the  
 9 Secretary of State's Office this fall. But you can see the  
 10 breakout there.

11 This is the tidelands schedule for 2015. We  
 12 just finished receiving proposals, tidelands grant proposals,  
 13 for the 2015 year. And that is kind of the schedule that we  
 14 have run through. So we'll now be reviewing those with our  
 15 internal committee.

16 All right. Thank you.

17 If you have questions, I'll be glad to try to  
 18 answer them.

19 MR. TAYLOR: Jamie, I have just a couple. You  
 20 said you looked back at the budgets for several years back, and  
 21 it seems that -- how many years back does there seem to be a  
 22 deficit, and how did they take care of it?

23 MR. MILLER: Yeah. If you look back  
 24 historically at the agency, one, a few things come to mind.  
 25 One, the appropriation for the agency through the general fund

22

1 over the last eight years has gone from about \$2.2 million to  
 2 about \$1.1 million. So we've reduced -- the appropriation for  
 3 the agency has been reduced to half. At the same time, you had  
 4 Hurricane Katrina and BP oil spill. So you had other federal  
 5 dollars that were coming in to supplement some of those  
 6 services that the agency was providing.

7 But for at least the last five years, we seem to  
 8 be running very similar level of deficit, about eight hundred  
 9 to \$1.2 million. And it doesn't reflect the cash we have.  
 10 We've paid all our bills. We have funds to pay it. What we're  
 11 trying to do is to make sure that the funds that we receive,  
 12 federal or state or donations or whatever they may be, we're  
 13 making sure those funds are paid specifically and directly to  
 14 projects that they're eligible to pay for and that we are not  
 15 commingling money in a way that creates a compliance problem.  
 16 So we're trying to reflect all those things  
 17 honestly and accurately, and so when you just look at the state  
 18 revenues and the state expenses, you know, it's not sustainable  
 19 currently.

20 MR. TAYLOR: Thank you.

21 Any questions?

22 MR. DRUMMOND: Jamie, I noted there was a  
 23 \$75,000 interest, and I don't know what that is.

24 MR. MILLER: Well, we hold -- of course, we have  
 25 a state treasury account. We have cash there from

23

1 appropriation from our revenue streams that we do get interest  
 2 off of. I think the interest that you're referring to is  
 3 \$75,000 is what we project to receive in interest for this  
 4 coming year. But it's just the cash on hand that we have  
 5 collecting interest.

6 MR. DRUMMOND: So this is interest coming to  
 7 us.

8 MR. MILLER: Yes, sir.

9 MR. DRUMMOND: Okay. Thank you.

10 MR. BOSARGE: And you see a way to balance our  
 11 budget?

12 MR. MILLER: Well, we will balance the budget,  
 13 and we're putting together a plan now. Part of that is making  
 14 sure that we are accurately paying people state funds that are  
 15 eligible to be paid with state funds and also federal funds.  
 16 But it's not a cash flow problem. It's really a -- you know,  
 17 our state and federal funds are commingled so we don't have a  
 18 cash flow problem. But we've got to make sure that our state  
 19 expenses are being met with state revenue.

20 So, yes, we will balance the budget. I can't  
 21 tell you exactly how we're going to do that yet. But I hope to  
 22 know that by August or at least the fall.

23 MR. BOSARGE: Do you plan on bringing that to  
 24 us?

25 MR. MILLER: Yes, I will bring that to you.

24



1 MR. BOSARGE: Good.  
 2 MR. TAYLOR: Any other questions?  
 3 Okay. Office of marine patrol, Interim Chief  
 4 Rusty Pittman.  
 5 G. Office of Marine Patrol  
 6 1. Report on Citations  
 7 MR. PITTMAN: Good morning, Mr. Chairman,  
 8 commissioners, Director Miller, Ms. Chesnut.  
 9 Ours is going to be a pretty quick report.  
 10 Couple things I just want to mention about it again is about  
 11 our fishing license tickets written last month. And we have  
 12 several undersized fish.  
 13 And one I just wanted to mention is the redfish  
 14 that was six and three-quarters inches undersize. So I don't  
 15 understand why people are still trying to keep undersized fish.  
 16 We had several boat and water safety violations.  
 17 We had three boat accidents with injuries. And  
 18 we had six boat accidents without injuries, total of nine for  
 19 last month.  
 20 The special events will come later in the  
 21 meeting.  
 22 And on our JEA patrols, we did 31 patrols. We  
 23 had 436 total man hours, 434 contacts, four enforcement action  
 24 reports, and ten state citations were issued.  
 25 MR. TAYLOR: Rusty, as you know, we had a

25

1 jubilee a couple of weeks ago. How many tickets did y'all  
 2 write during the jubilee?  
 3 MR. PITTMAN: I'm not sure on that. I think  
 4 around ten or 12.  
 5 The report went to Jackson that we wrote 150.  
 6 That wasn't the case. It was either ten or 12 that were  
 7 written at that time.  
 8 MR. TAYLOR: Most of them for no license?  
 9 MR. PITTMAN: A couple no license. But a lot of  
 10 them were undersized flounders. I'm talking about like six  
 11 inches. And a lot of these flounders in the jubilee, a lot of  
 12 the fish will live. And that was the tickets that were written  
 13 on those were undersized.  
 14 MR. TAYLOR: Any questions?  
 15 MR. BOSARGE: So Rusty, I see where we got some  
 16 ran a stop sign, reckless driving. Is this normal?  
 17 MR. PITTMAN: Sometimes you do have that in  
 18 certain months. That case was made in Hancock County. We were  
 19 on a stake, and the officer pulled up to a traffic light, and a  
 20 car -- the people ran the red light, almost hit him, and went  
 21 off into the ditch. And that's when he made the stop on that  
 22 and issued them citations. That's not all the time that that  
 23 happens.  
 24 MR. BOSARGE: I don't really notice that too  
 25 often --

26

1 MR. PITTMAN: Right.  
 2 MR. BOSARGE: -- where we did that on the marine  
 3 patrol side.  
 4 MR. TAYLOR: Any other questions?  
 5 Okay. Thank you, Rusty.  
 6 MR. PITTMAN: Thank you.  
 7 MR. TAYLOR: Next up office of marine fisheries,  
 8 and Dale is not here.  
 9 H. Office of Marine Fisheries  
 10 MR. JEWELL: Good morning, commissioners,  
 11 Director Miller. Dale sends his apology this week.  
 12 Can y'all hear me? I'm going to try and bend  
 13 over and talk more clearly into this microphone.  
 14 I'd like to congratulate Chairman Taylor and  
 15 Vice-Chairman Gollott on their appointments and look forward to  
 16 working with the commission as we always do.  
 17 Marine fisheries has three items on the agenda.  
 18 But before we get started onto the agenda, I wanted to give the  
 19 commission an update on our quotas as we've been doing over the  
 20 last several months.  
 21 On flounder, the total allowable quota is  
 22 72,000. So far, we have captured 4,305 pounds.  
 23 For redfish, the total allowable quota is  
 24 35,000. Through June, we have captured 23,872 pounds. That  
 25 leaves a remainder of 11,128 pounds allowable.

27

1 For speckled trout, as you recall, last  
 2 commission meeting I gave an update with some concerns over the  
 3 reporting issues and how we are approaching the allowable limit  
 4 for the second half of the speckled trout season. So to date,  
 5 the allowable quota is 50,000 pounds. And to date, we have  
 6 42,843 pounds captured. So that leaves us just over 7,000 more  
 7 pounds for the remainder of July, August, and September.  
 8 We are -- currently, our staff is working with our  
 9 dealers and processors. We're anticipating a closure due to  
 10 the meeting the allowable limit of 50,000 pounds somewhere  
 11 towards the end of this month.  
 12 The commission has charged us to monitor this  
 13 carefully so that we do not overrun the 50,000 pound allowable  
 14 catch. We are monitoring that very closely and will close the  
 15 season as appropriately.  
 16 Any questions?  
 17 MR. DRUMMOND: Commercial?  
 18 MR. JEWELL: Commercial, correct.  
 19 We have three agenda items today.  
 20 And first up is Mr. Matt Hill for a fish kill update.  
 21 1. Title 22 Part 5: Finfish Size and Bag Limits  
 22 MR. HILL: Good morning, commissioners, Director  
 23 Miller, Sandy.  
 24 Actually, the first thing I'm going to do is for  
 25 your consideration will be a change in our Title 22 Part 5.

28

1 What we are proposing to do, we would like to  
2 add in Title 22 Part 5 our regulation that deals with the use  
3 of nets, fish traps, and pots within the territorial waters of  
4 the State of Mississippi and establishing certain limitations  
5 and quotas.

6 What we would like to do is we would like to add  
7 a statement in the beginning. And the reason we would like to  
8 do this is to make this consistent with state statute. There  
9 is some confusion. We would like to add in Chapter 4 Section  
10 100 to make our regulation consistent with state statute  
11 49-15-78.

12 There are several other revisions that we would  
13 have to make that are just numbering, clerical issues that we  
14 can take care of.

15 It would read: It is unlawful for a person to  
16 use a gill net, trammel net, entanglement net, or like  
17 contrivances for the taking of fish in marine waters within  
18 one-half mile of the shoreline.

19 For this to happen, what we would need from the  
20 commission, what would be required would be a motion for notice  
21 of intent of the proposed rule.

22 MR. BOSARGE: Matt, can you give a little more  
23 detail? In other words...

24 MR. HILL: What we have now currently in our  
25 regulations is the line, and it's extremely difficult for

1 people to understand. We would like to leave that line in  
2 there. It's less restrictive than this half a mile. State  
3 statute overrides what we actually have in our regulations.

4 So what ends up happening is some people will  
5 say, hey, I got a new book or I got a line, and it says follow  
6 this line. Well, when marine patrol officers get up to them,  
7 they don't use that. They use state statute which says that  
8 gill net has to be a half a mile off the shoreline.

9 So if you don't read state statute, our line is  
10 a little less restrictive.

11 MR. BOSARGE: But does state statute follow --  
12 and if I remember correctly, it goes like from beacons to a  
13 point. But does it go like say for instance half mile around  
14 Round Island?

15 MR. HILL: No. We did not take gill net out of  
16 the -- we did not remove it from the section that it's already  
17 in. So everything what you're saying now also is still  
18 included in the ordinance. We didn't take anything out of the  
19 regulation that's already in there. So the weekend closure is  
20 still in there. State statute doesn't deal with weekend  
21 closures, 6:00 a.m. and 6:00 p.m., all of those --

22 MR. BOSARGE: I guess my question is: Does this  
23 half mile take in any more area than what is in state statute  
24 now?

25 MR. HILL: The half a mile is from state

1 statute. It's word for word. We're taking the half a mile up  
2 off the shoreline out of state statute. And it just includes  
3 the shoreline, the immediate shoreline.

4 MR. BOSARGE: Of the coast.

5 MR. HILL: Of the coast, that's correct.

6 MR. BOSARGE: That's the answer I was looking  
7 for.

8 MR. HILL: Okay. I'm sorry.

9 MR. TAYLOR: Do we need a motion? I'll  
10 entertain a motion to accept the staff's recommendation.

11 MR. GOLLOTT: Mr. Chairman, I'd like to make a  
12 motion that we table this until the next meeting to give us a  
13 chance to look at this thing very closely.

14 MR. TAYLOR: Okay. We have a motion on the  
15 floor to table it. Is there a second?

16 MR. BOSARGE: I'll second.

17 MR. TAYLOR: All those in favor. Passes. We'll  
18 bring it up at the next meeting.

19 MR. HILL: Thank you.

20 2. Fish Kill Update

21 MR. HILL: The next issue on the agenda that I'm  
22 going to take care of will be the fish kill update or jubilee  
23 as it's a little more fun for people to call.

24 As everybody knows, on July 1, 2013, we had a  
25 low dissolved oxygen event. It also had an algal bloom

1 associated with it which also had an associated fish kill. A  
2 lot of people have called it a jubilee. That is an accurate  
3 term for what happened. We had a jubilee.

4 July 1 was Monday. On Sunday afternoon, I got a  
5 phone call from some people out at Cat Island that had spotted  
6 some discolored water. And Monday morning when I got into  
7 work, there was a lot -- we started getting a lot of phone  
8 calls, a lot of fish were washed up on shore. People were  
9 calling asking if it was okay to pick up the fish, if they  
10 could consume them.

11 So we went out and we came out of Biloxi Bay.  
12 We ran the deep water poles. We sent a crew onto the shoreline  
13 to take some readings. The conditions were perfect to have a  
14 jubilee. The water temperature was up. The wind was very  
15 calm. We had a slight wind out of the north the night before.  
16 We had a rising tide, but it was a very slow tide, a very slow  
17 rise to it.

18 This same event happened last year. It was a  
19 week later. But the conditions were just right for this to  
20 happen. However, we did not know that there was an algal bloom  
21 associated with it. So what we did, we were concerned that if  
22 this was a toxic algal bloom to get to the people to where they  
23 could not eat these fish.

24 So we ran the deep water poles, and we did not  
25 spot it. We also put the plane up in the air. That was

1 probably the best decision that we could have made because if  
2 we wouldn't have done that, we would not have seen it.  
3           Later in the morning about mid-morning, the  
4 plane called and had spotted it. And that is the red areas  
5 that you see. It was a very extensive algal bloom. And I want  
6 to emphasize that it was a non-toxic algal bloom. It was a  
7 harmful algal bloom, but it was a non-toxic algal bloom,  
8 non-toxic to fish and non-toxic to humans. I'm going to show  
9 you what we saw here.

10           But the two areas, the green area is mainly  
11 along the shoreline where we had the low DOs, we had the  
12 jubilee event, and that's where the majority of the fish were  
13 seen.

14           The line and where it becomes blue, that's Long  
15 Beach Harbor. We had patches from there over to Bay St. Louis,  
16 but we didn't see anything like what we saw to the east of Long  
17 Beach Harbor. And it was definitely constrained by the Bay.  
18 That's the Bay of St. Louis there on the left and Biloxi Bay on  
19 the right. So the bays constrained this event.

20           We did have an area right around Cat Island, we  
21 went out there, and we saw very few dead fish out there. But  
22 we did go out and investigate that.

23           I know this is a little hard to see, but the  
24 point of it is, the numbers in red, those are your surface DOs,  
25 the ones that we took along the deep water poles. And you can

33

1 the algal bloom.

2           And this is what she found. This is known as  
3 serratia berca. It's a non-toxic marine dinoflagellate. It is  
4 common, somewhat common in our waters.

5           But she looked at it, and she looked -- it took  
6 her about ten seconds, and she looked up, and she said, we're  
7 dealing with something that's non-toxic. And we made the phone  
8 call to tell people that it would be safe to eat.

9           We also took some gill samples out of some  
10 various species of fish, and we sent it to the research lab.  
11 They did some quick analysis on it and turned it around and  
12 said they did not find any of these serratum in the gills of  
13 the fish.

14           So this definitely contributed to the fish kill,  
15 but this was not the cause of the fish kill. It was just a  
16 coincidence that it was out there. The conditions were perfect  
17 to have an algal bloom, also, and we just coincidentally had  
18 one along with the jubilee.

19           What these do to fish, you can see the horn  
20 structures. Each one of them has three horn structures. And  
21 it will get up in the gills of the fish, and it irritates the  
22 fish. And if it becomes a serious enough event, it will cause  
23 the fish, the gills to produce a mucous, and they basically  
24 will suffocate themselves.

25           That did not happen in this particular event

35

1 see your bottom DOs. Anything below two becomes lethal to  
2 fish. They can't survive in that. Two to four, they're  
3 stressed. We like to see it above four. It's not uncommon in  
4 the heat that we have to see DOs below four. We see that on a  
5 daily basis in some areas. But when you start getting down to  
6 0.64 and 0.99 and you start seeing them in the ones, that's  
7 when we start to see some of the problems that we had.

8           I know this is hard to see, but the arrow is the  
9 Beau Rivage, and you can see the streaks of red in the water.  
10 That's the tint that the algae cause when it is in bloom form.

11           And we thought this was particularly  
12 interesting. Darren Stewart, a member of our staff, was in the  
13 plane, and he took pictures. And you can see the algal bloom.  
14 But that straight line, that's where we were in our vessel, and  
15 you could see our boat wake and our prop churned up the algae  
16 right there, and it made a straight line with ours. So you  
17 could follow boats where they went. It would churn the algae  
18 up, and it would leave lines all through the water.

19           We had Christina Broussard, she's our resident  
20 phytoplankton specialist. I brought her on the vessel with me,  
21 and we brought her microscope because that was our major  
22 concern was not the extent of this fish kill. Our major  
23 concern was if there was an algal bloom to find out if it was  
24 toxic or not. And we wanted to find that out on the spot. So  
25 she brought her microscope, and we started taking samples in

34

1 that we can tell. But that is something that can happen when  
2 this is present.

3           Here's just some of the pictures that we took.  
4 This is in the old Broadwater marina. There were well over a  
5 hundred people there all throughout the morning catching large  
6 white shrimp, coolerfuls of white shrimp. A lot of people  
7 fishing in the -- out there. After sunrise, a lot of these  
8 species almost were trapped up. They came in here looking for  
9 oxygen, and they were just trapped, and they stayed in here  
10 until almost twelve to one o'clock in the afternoon. So we had  
11 people there all day long.

12           Here is just to the east -- I mean, to the west  
13 of the Broadwater marina. And you can see the people out there  
14 wading, still getting flounder, some of the shrimp that were  
15 still left floating. But you can see in this picture how calm  
16 it still was. This was probably about ten o'clock in the  
17 morning. There still wasn't a ripple on the water. And when  
18 you have these conditions with a rising tide and a slight north  
19 wind, you got an excellent chance of having a jubilee.

20           Here is one coolerful. Mostly big large white  
21 shrimp were captured. This is the Broadwater marina right  
22 here.

23           Here is another coolerful somewhere down along  
24 the beach. I think this is somewhere around Edgewater Mall  
25 where this picture came from in front of the mall.

36

1 Here is an interesting picture. This is two  
2 black drum. They're in about a foot of water. And they were  
3 basically feeding on some of the dead organisms that were in  
4 the water. You could watch them swimming along and gulping up  
5 whatever they could. And they were just going back and forth.  
6 Very opportunistic.

7 Here's a picture of a group of rays. And like  
8 Rusty said, a lot of things like this, the rays and the  
9 flounders that were left in the water, once this washed out,  
10 they survive. They were able to swim off. And that's why we  
11 were trying to urge people to please follow the limits. A lot  
12 of people said, well, they're going to die or they are dead.  
13 Well, not necessarily. A lot of these rays and many of the  
14 flounder were able to swim off.

15 I would like to thank all the different bureaus  
16 that helped us. It was a agency-wide effort. I would  
17 especially like to thank Christina Broussard with the shellfish  
18 bureau. She was able to identify what we were dealing with in  
19 a timely manner so we could assure the public that the fish and  
20 the shrimp that they were getting were safe to eat. Omega  
21 Protein, we also made a phone call to them, and they made a  
22 flyover for us over in Jackson County. We did not get any  
23 reports over there, so we did not have enough time to cover the  
24 whole Sound how we wanted to. So they did us a favor, and we  
25 asked them to see if they could identify any type of algal

37

1 bloom, and they were not able to.

2 I will add that this event did happen the next  
3 morning on Tuesday morning for a brief period of time, maybe 30  
4 minutes, and it washed back out. And the conditions were also  
5 right again going into the evening, but we had some squalls  
6 start to build up, and that's what finally broke this up.

7 But I think everybody enjoyed theirself. And  
8 like I said, we were glad to tell the people that the fish were  
9 safe to eat.

10 Do you have any questions?

11 MR. BOSARGE: Just one. What were the perfect  
12 conditions?

13 MR. HILL: Whenever you have the water  
14 temperatures rising like they are now -- we're getting towards  
15 our peak water temperatures -- we have a rising, a slow rising  
16 tide. Even though there may be some range to it, it's a slow  
17 -- or even a neap tide does it, a slow rising tide, and you  
18 have a north -- right before sunset, you have a slight north  
19 wind, that slight north wind will blow the surface water which  
20 contains the oxygen -- the wind, if it blows too hard, it will  
21 cause mixing. If it's just at the right three to four miles an  
22 hour, somewhere right in there, it will just blow the surface  
23 water just enough, and it won't mix with the bottom, when that  
24 tide comes in, it continuously pushes that bottom layer of  
25 water up that wedge up in here, and the fish are swimming in

38

1 front of it trying to get out of it, and they just run out of  
2 room.

3 Basically the fish that you see are the fish  
4 that made the wrong decision. They went left when they should  
5 have went right.

6 The algal bloom contributed to the problem just  
7 because -- it did not kill the fish, but it gave them less area  
8 to escape to. Some of them may have went out there, and they  
9 had to turn around.

10 But I like to say that's the jubilee or the fish  
11 that made and the shrimp that made the wrong decision.

12 MR. BOSARGE: That's the best definition I've  
13 heard yet. Thank you.

14 MR. TAYLOR: Any other questions? Thank you,  
15 Matt.

16 MR. JEWELL: The final agenda item for marine  
17 fisheries is fish records.

18 3. State Records.

19 MR. JEWELL: This morning we have four  
20 conventional tackle records, and we have one fly fishing record  
21 for your consideration.

22 Conventional tackle, we have an Atlantic  
23 spadefish. The old record was 8 pounds 3.2 ounces. The new  
24 record is 9 pounds 8 ounces. And the fisherman was Ms. Cecily  
25 O'Brien.

39

1 That's a picture of the spadefish, and there she  
2 is with her proud catch.

3 Next record is a lookdown. The old record was 2  
4 pounds 9.6 ounces. The new record is 3 pounds 0 ounces by Mr.  
5 Tommy O'Brien.

6 There's a picture of the lookdown, and Mr.  
7 O'Brien with his fish.

8 Next record is a gray snapper. The old record  
9 was 13 pounds 12 ounces. The new record is 13 pounds 15 ounces  
10 by Mr. Mark Alan Ros.

11 Here's a picture of the snapper, and a picture  
12 of Mr. Ros and his fish.

13 The next one is a skipjack tuna. The old record  
14 was 26 pounds 4 ounces. The new record is 29 pounds 11 ounces.  
15 And the angler was Mr. Jack Paul Edwards.

16 Picture of the tuna and Mr. Edwards with his  
17 fish.

18 The next category is the fly fishing record. It  
19 is a gaftopsail catfish. And it's a new record for us. It is  
20 4 pounds 10 ounces, and the angler was Mr. Doug Borries.

21 There's a picture of it and Mr. Borries with his  
22 fish.

23 We'll need a motion.

24 MR. TAYLOR: Do I have a motion to accept the  
25 records?

40

1 MR. GOLLOTT: I'll make that motion, Mr.  
2 Chairman.  
3 MR. TAYLOR: Do I have a second?  
4 MR. DRUMMOND: Second the motion.  
5 MR. TAYLOR: All those in favor. Passes  
6 unanimous. Thank you.  
7 MR. JEWELL: That concludes --  
8 MR. GOLLOTT: Mr. Chairman, I'd like to ask for  
9 a break before we go into ecology.  
10 MR. TAYLOR: Okay. We'll take a ten minute  
11 break.  
12 (Off the record)  
13 MR. TAYLOR: We'll reconvene the CMR meeting.  
14 And next on the agenda is Jan Boyd with coastal zone  
15 management.  
16 I. Office of Coastal Zone Management  
17 MR. BOYD: Good morning, Mr. Chairman,  
18 commissioners, Director Miller, Ms. Chesnut. Coastal zone  
19 management has three action items on the agenda for your  
20 consideration, and Willa Brantley will be our first presenter.  
21 1. Access Pier Blanket Order  
22 MS. BRANTLEY: Good morning. This is going to  
23 be a little bit different than what you're used to seeing from  
24 us. We are asking for a blanket order from the commission.  
25 The proposal is that the commission will

41

1 authorize the executive director to modify previously permitted  
2 access piers. Some of those were issued with conditions. With  
3 old general permits, we're asking to update those to the  
4 current general permits.  
5 I have a little bit of background.  
6 In the past, we have had permits that were  
7 issued for say residential developments, a subdivision, as an  
8 overall permit, one permit for the whole subdivision. And  
9 those were issued by the commission. And on some certain  
10 particular lots in those subdivisions that required really,  
11 really long access piers over tidal marsh, some conditions were  
12 put on those.  
13 They did not qualify because of the length of  
14 the access pier for general permits. And so the commission put  
15 conditions on there to hold them to the limits of the general  
16 permits. Any permits for access piers that were issued any  
17 time in the future for those lots would have to be in  
18 accordance with the current general permits. And those  
19 dimensions were specified in the permits.  
20 We've had a request from one of those lots to  
21 bring their access pier into compliance with the current  
22 general permits which allow a little more leeway. And rather  
23 than present each case separately because we know we have a few  
24 more coming up in the near future, we wanted to ask for a  
25 blanket approval of these.

42

1 So we have the former GPs that allowed for no  
2 more than four feet in width over tidal marsh, and the pier had  
3 to be at least one foot above the height of the vegetation, and  
4 there were board spacing requirements that varied from  
5 three-quarters of an inch to an inch.  
6 And the current GPs based on some newer  
7 research, they allow for a pier to be up to five feet in width,  
8 and the height needs to be equal to the width. It's not based  
9 on the height of the vegetation any more. And there are no  
10 board spacing requirements. And like I said, that's based on  
11 some newer research that's been done in the last six to seven  
12 years that has shown that the height needs to be proportional  
13 to the width. As long as it's proportional to the width, you  
14 have a minimal impact on the marsh. And that the board spacing  
15 requirements have no effect on whether the pier had an impact  
16 on the marsh or not.  
17 So we're just asking for that blanket approval  
18 that the executive director would be able to issue current  
19 permits for those lots that would allow the current general  
20 permit guidelines to be met.  
21 MR. GOLLOTT: Willa, with all due respect, I  
22 think this is what the commission needs to do. I don't think  
23 we need to be giving up the authority to the executive director  
24 right now on this particular thing. I think you need to bring  
25 these before us.

43

1 MS. BRANTLEY: Each one?  
2 MR. GOLLOTT: Yes, ma'am. That's my opinion.  
3 MS. BRANTLEY: Well, this current request is for  
4 37 Shoreline Lane in Gulfport, Mississippi. I'm not sure  
5 exactly the full length of the pier -- 926 feet is the length  
6 of the pier that's in question, the one proposal that we  
7 received.  
8 MR. GOLLOTT: Do you want to let them go five  
9 feet and five feet above the marsh?  
10 MS. BRANTLEY: It would be five feet above the  
11 mud line for the height.  
12 MR. GOLLOTT: I'll make a motion that we accept  
13 this change on this.  
14 MS. BRANTLEY: Just for the one case.  
15 MR. GOLLOTT: Yes.  
16 MR. TAYLOR: We have a motion. Do we have a  
17 second?  
18 MR. BOSARGE: I guess my question would be more  
19 to Commissioner Gollott. Your reasoning for this? I mean...  
20 MR. GOLLOTT: I think this is what the  
21 commission is charged to do is go over these permits. I don't  
22 think blanket is a good idea. We need to look at them. We  
23 don't need a commission if we're not going to do things like  
24 this.  
25 MR. BOSARGE: All right.

44

1 MS. BRANTLEY: Well, I just want to clarify that  
2 we would be issued -- currently, each of these singular permits  
3 don't have to be looked at by the commission. We just have to  
4 issue them in accordance with the permit that was issued in  
5 this case back in 2004.

6 So we issue permits. We've issued I think three  
7 or four in the past year and a half for this particular  
8 subdivision. And we just had to write them in accordance with  
9 the old conditions that were put on them by the commission.

10 So that's all we're asking is that those -- that  
11 condition for the subdivision permit be updated to the current  
12 general permits.

13 MR. GOLLOTT: How many are you talking about?  
14 One a meeting, two a meeting, or something like that? I mean,  
15 I don't think it's a big deal.

16 MS. BRANTLEY: Probably not that many even.

17 MR. BOSARGE: So just to clarify, if somebody  
18 came to you not in this subdivision but in another subdivision  
19 or just a homeowner and wanted to build a pier, our general  
20 guidelines say that they can build their pier five foot wide  
21 and five foot tall?

22 MS. BRANTLEY: Yes.

23 MR. BOSARGE: Thank you. So the ones you would  
24 bring to us would just only be --

25 MS. BRANTLEY: Would only be the ones that the

45

1 commission approved the permit for the overall subdivision and  
2 put restrictions on specific lots.

3 MR. BOSARGE: Okay. I'll second.

4 MR. DRUMMOND: I have a question. Was there  
5 some reason to discontinue the board spacing?

6 MS. BRANTLEY: Yes. The research that's been  
7 done over the years that showed that the board spacings had no  
8 effect on the growth of the marsh under the pier.

9 MR. DRUMMOND: Okay.

10 MR. TAYLOR: Have a motion and a second. All  
11 those in favor. Passes unanimous. Thank you.

12 MS. BRANTLEY: Thank you.

13 2. Robert A. Helwig

14 MR. DAVIS: Good morning. My name is James  
15 Davis. I'll be presenting the next item for the commission.

16 We have a request for permit by Mr. Robert  
17 Helwig. It's located on an unnamed canal adjacent to the  
18 Biloxi River at 10525 Riverview Drive in Biloxi. It's in the  
19 general use district.

20 Here's a map. You can see the pin. It's  
21 located just close to where the Biloxi and Tchoutacabouffa  
22 River meets south of I-10.

23 Here's a zoomed in aerial of the project  
24 location. The house there on the end of the canal is where  
25 this boathouse is going to be constructed.

46

1 Project description. We are requesting 196  
2 linear feet of bulkhead to be reconstructed and a boathouse 30  
3 feet by 28 feet which will extend approximately 30 percent  
4 across the width of the canal.

5 Here is a diagram. The boathouse being built  
6 next to the existing pier. The black line running along the  
7 outside edge of the bulkhead that will be reconstructed. You  
8 can see the width of waterway at the current location is 102  
9 feet. Thirty percent the width of the waterway will be 30  
10 feet, and 25 percent the width of the waterway will be 25 and a  
11 half feet.

12 A picture of the project location. You see the  
13 existing pier there located on the right-hand side. Just  
14 adjacent to that and to the left is where the boathouse will be  
15 constructed. And the bulkhead you see is the bulkhead that  
16 will be reconstructed, as well.

17 No public benefits would be associated with the  
18 project.

19 The project is allowable within the general use  
20 district.

21 Precedent setting effects. In certain cases,  
22 applicants have been allowed to place structures more than 25  
23 percent across the width of waterway. These cases are required  
24 written approval of all property owners upstream from the  
25 structures whose access to the waterway could be impacted.

47

1 Without those approvals, a new precedent would be set. And Mr.  
2 Helwig has submitted the appropriate signatures.

3 The project is not located in public trust  
4 tidelands. However, the driving the pilings for a boathouse  
5 and potential shading could be a minor impact to the biological  
6 integrity and productivity.

7 The project does pose a potential impact to  
8 navigation. To minimize the negative impact, the boathouse  
9 would be placed within 25 percent of the distance across the  
10 waterway.

11 No offsite alternatives have been considered.  
12 This is a private property and the project serves to allow the  
13 property owner access to the water. However, alternative  
14 designs could minimize the impacts to navigation.

15 The site is a residential area with other  
16 boathouses and piers along the waterway. Scenic qualities  
17 should not be impaired by the project.

18 Public notice ran in the Sun Herald on these  
19 dates. No comments were received.

20 DEQ is currently reviewing the project.  
21 Archives & History has no objections. And the Secretary of  
22 State has no objections.

23 Staff has conducted an evaluation of the  
24 project, and based on the results of the evaluation, staff has  
25 made the determination that Mr. Helwig submitted statements

48

1 from all the affected property owners that the boathouse as  
2 constructed will not interfere with navigation to the  
3 properties. Therefore, staff recommends that the commission  
4 approve the permit for the boathouse and bulkhead.

5 MR. TAYLOR: Do I have a motion?

6 MR. GOLLOTT: Mr. Chairman, I make a motion that  
7 we approve this permit.

8 MR. TAYLOR: Do I have a second?

9 MR. BOSARGE: Second.

10 MR. TAYLOR: All those in favor. Passes. Thank  
11 you.

12 3. Damien Bond

13 MS. WITTMANN: Good morning. I'm Jennifer  
14 Wittmann. I'll be presenting coastal zone management's final  
15 action item on the agenda today.

16 It's a violation by Damien Bond located on Old  
17 Fort Bayou at 9012 Dixie street in Ocean Springs. It is in the  
18 general use district.

19 The violation location is indicated by the  
20 yellow thumb tack in reference to I-10 and Highway 57. And  
21 this is a zoomed in area showing Dixie Street and the violation  
22 location.

23 Coastal wetlands have been filled for the  
24 construction of a private beach.

25 On June 20, 2006, violation concerning the

49

1 been created.

2 This is a picture from the 2006 violation that  
3 was reported to DMR staff and presented to the commission. The  
4 yellow circle is around the area of Juncus roemerianus growing  
5 at the end of the canal.

6 And this is a picture from June 4 of this year  
7 when staff did the site visit. You can see fill has been  
8 brought in. It is coming down over the sort of bluff area and  
9 then allowed to erode down into Old Fort Bayou. You can see  
10 area of Juncus on the right-hand side that most likely filled  
11 the entire area.

12 And again, here is another version showing the  
13 fill that's been brought in to create the beach.

14 Based on departmental review and evaluation,  
15 staff recommends that the commission require Mr. Bond to remove  
16 the unauthorized fill material and issue a fine in accordance  
17 with Mississippi Code 49-27-51. The material should be removed  
18 and the fine paid within 30 days of the ruling or the matter be  
19 forwarded to the Attorney General's office for enforcement  
20 action.

21 The violation was discovered on May 22, 2013.  
22 The violation duration is 55 days. The maximum potential fine  
23 for this violation would be \$27,500; minimum fine would be \$50.

24 The recommended fine in this case is \$2500 with  
25 a \$100 per day fine for each day after the 30 days until the

51

1 filling of a quarter acre of wetlands was presented to the  
2 commission, and a ruling was made requiring the restoration of  
3 the area to preexisting conditions.

4 On May 22, 2013, a violation was reported  
5 concerning the construction of a private beach on Old Fort  
6 Bayou.

7 On June 4, 2013, a site visit was performed by  
8 staff, and the area of the coastal wetlands had been filled for  
9 the construction of a private beach.

10 On June 13, a cease and desist notice was sent  
11 to the property owner, Mr. Damien Bond, via certified mail.  
12 And Mr. Bond was to respond to DMR by June 25 with his plan to  
13 bring his violation into compliance.

14 On July 8, a letter was received from Mr. Bond  
15 stating that the beach had been in place for many years.

16 And on July 9, commission notification was sent  
17 to Mr. Bond informing him that the project would be presented  
18 to the commission meeting today, informing him of the  
19 requirements to petition for reconsideration.

20 This is an aerial photograph from 2005. The  
21 area that we're looking at here is at the very end of the  
22 manmade canal.

23 In 2010, you can see there is a marshy area at  
24 the very end of what is an existing road.

25 And in 2012, you can see that a beach area had

50

1 violation is restored.

2 Decision factors include that the project does  
3 not meet guidelines and Mr. Bond has had a previous violation  
4 at this site and is aware of the permitting process.

5 And I don't believe that Mr. Bond has attended  
6 the meeting today.

7 MR. TAYLOR: Any questions?

8 MR. GOLLOTT: Mr. Chairman, I'd like to make a  
9 motion that we go along with staff's recommendation on this  
10 project.

11 MR. TAYLOR: We have a motion. Do I have a  
12 second?

13 MR. BOSARGE: Set the fine at twenty-five  
14 hundred with 100 days, also?

15 MR. GOLLOTT: Yeah, I think that's specified.

16 MR. TAYLOR: We have a motion and a second. All  
17 those in favor. Passes unanimous. Thank you.

18 MS. BRANTLEY: Thank you.

19 MR. TAYLOR: Next on the agenda, tidelands  
20 program. He's already covered that. Jamie has.

21 Next would be directorate, Melissa Scallan.

22 K. Directorate

23 1. Communications and Outreach

24 MS. SCALLAN: Good morning, Director Miller,  
25 commissioners, and Ms. Chesnut.

52

1 I just wanted to give you an update on some of  
2 the things we've done in the past month for communications and  
3 outreach.

4 Since the last meeting in June, we have been  
5 mentioned 106 times in newspapers, radio stories, TV stations  
6 across the coast, throughout the state, and in the nation.

7 We also have been putting more information on  
8 the website. The transparency Mississippi is on our website.  
9 The 60 day assessment is on the website. The OIG report is on  
10 the website. So we're encouraging more people to go to our  
11 website for information.

12 We also have had more -- been more active with  
13 our Twitter accounts, social media. We've doubled our  
14 followers in the past couple of weeks. So we've been making an  
15 effort to do more of that.

16 We also in the past couple of months since the  
17 beginning of the summer have done some education and outreach  
18 projects with different departments. Marine patrol had two  
19 boat and water safety classes, one in Biloxi, one in Pass  
20 Christian, and there were 43 students in the combined classes.

21 Marine patrol also participated in Operation Dry  
22 Water. It was the last weekend in June, and it's a  
23 multi-agency operation to encourage safety awareness and reduce  
24 the number hopefully of BUIs on the water.

25 Marine patrol officers also gave a presentation

53

1 MR. TAYLOR: Any other business? Do we have a  
2 motion?

3 MR. DRUMMOND: I make a motion we adjourn, Mr.  
4 Chairman.

5 MR. TAYLOR: Do we have a second?

6 MR. GOLLOTT: Second, sir.

7 MR. TAYLOR: All those in favor.

8 (Meeting adjourned 10:45 a.m.)  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

55

1 to the kids fire academy in Biloxi during the month of June.  
2 Coastal Reserves Program, Allie Leggett gave two  
3 talks on July 8 to children participating in the Dig Deep to  
4 Reading summer program at the Woolmarket Public Library. There  
5 was a pre-K group and a K through 5 group. So we are showing  
6 kids about the environment and animals and marine life and that  
7 kind of thing.

8 The Long Beach Public Library has requested some  
9 educational materials from DMR for its summer reading program.  
10 We are giving those out, bringing them to the library this  
11 week.

12 We also had several employees who worked at the  
13 DMR booth at the Deep Sea Fishing Rodeo, July 4 through 7, at  
14 Barksdale Pavilion at Jones Park and gave out about 300  
15 brochures.

16 So we also have quite a few upcoming events.  
17 The Carl Leggett Memorial Fishing Tournament is one that we'll  
18 probably be at, and there's things going on throughout the  
19 fall.

20 So any questions?

21 MR. BOSARGE: I know also, at least I can get  
22 them, I'm pretty sure all the rest of the commissioners, the  
23 daily news clips. That's great. Lot of different articles  
24 that are in the papers that are not even around here. Thank  
25 you.

54

1 COMMISSION ON MARINE RESOURCES

2  
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 55 pages constitute a true and  
10 correct transcription of said meeting held on the 16th day of  
11 July 2013.

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 August 2013.  
17  
18  
19  
20

21 NORMA JEAN LADNER SOROE, CSR #1297  
22 Certified Shorthand Reporter  
23  
24  
25

56