

COMMISSION ON MARINE RESOURCES

MEETING OF COMMISSION ON MARINE RESOURCES

September 16, 2014

TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW AVENUE, BILOXI, MISSISSIPPI, ON THE 16TH DAY OF SEPTEMBER 2014 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.

COMMISSION MEMBERS PRESENT:

- RICHARD GOLLOTT, Chairman
SHELBY DRUMMOND
STEVE BOSARGE
ERNIE ZIMMERMAN

ALSO PRESENT:

- JAMIE MILLER, Director DMR
SANDY CHESNUT, ESQ., Asst. Attorney General
SEAN MORRISON, ESQ., Asst. Attorney General

1 can be excused if it's approved.
2 And I would also like to remove G-1-d, Peter and
3 Rochelle Johnson.
4 MR. GOLLOTT: Do we have a motion to approve the
5 agenda as modified?
6 MR. DRUMMOND: So moved, Mr. Chairman.
7 MR. GOLLOTT: How about a second?
8 MR. BOSARGE: So second.
9 MR. GOLLOTT: All those in favor. Opposed?
10 Motion carries.
11 D. Executive Director's Report
12 MR. GOLLOTT: Next we have the executive
13 director's report.
14 MR. MILLER: Thank you, Chairman Gollott. I've
15 got a short report.
16 One item I'd like to recommend is to move the
17 October meeting to Jackson County. We have agreed that we
18 would move the DMR meeting twice a year to each of the adjacent
19 counties. So in October, I'd like for y'all to make a motion
20 that we move to the Jackson County Board of Supervisors complex
21 in Pascagoula.
22 Sandy, do they need to take action on that, or
23 can we just...
24 MS. CHESNUT: They need to make a motion.
25 MR. ZIMMERMAN: I make a motion that we have our

1 A. Call to Order
2 MR. GOLLOTT: Good morning, everyone. I'd like
3 to welcome everyone to the regular September meeting of the
4 Department of Marine Resources. I'd like to recognize Mr.
5 David Yarborough from Hancock County. Welcome, sir.
6 Okay. The first thing we have is the pledge of
7 allegiance. Would everyone please stand.
8 B. Approval of Minutes
9 MR. GOLLOTT: Next we have approval of he
10 minutes.
11 MR. ZIMMERMAN: I'd like to approve the minutes
12 as written, Mr. Chairman.
13 MR. GOLLOTT: We have a motion. Do we have a
14 second?
15 MR. DRUMMOND: I'll second.
16 MR. GOLLOTT: Okay. Everybody in favor.
17 Opposed? Motion carries.
18 C. Approval of Agenda
19 MR. GOLLOTT: Okay. We have the approval of the
20 agenda or a modification to the agenda.
21 MR. ZIMMERMAN: Mr. Chairman, I'd like to make a
22 couple of changes to the agenda as written.
23 I'd like to remove Section D-1 administrative
24 penalties. If anyone for Mr. Poole or Mr. Williams is here to
25 speak to us, we will bring this up at the next meeting. You

1 October meeting in Jackson County.
2 MR. DRUMMOND: I second the motion, Mr.
3 Chairman.
4 MR. GOLLOTT: We have a motion made and
5 seconded. Do we have a discussion?
6 My question is: Why in Pascagoula and not
7 Gautier? That was a nice facility.
8 MR. MILLER: We already made arrangements for
9 the Supervisors to have their room available. But last time we
10 met, I believe we met at the NERR. We're going to be at the
11 Jackson County complex. And then certainly welcome -- I think
12 we met at Gautier once. We're going to try to rotate it
13 amongst the cities and the county over there. But Gautier is a
14 perfect place to host it. We'll plan on hosting it there the
15 next time we rotate over there.
16 MR. GOLLOTT: We have a motion. It's been
17 seconded. All those in favor. Opposed? Motion carries.
18 MS. CHESNUT: One question. Will the time
19 remain the same?
20 MR. MILLER: I think we recommend that we move
21 the meeting time to 10:00 a.m. instead of 9:00 a.m.
22 MR. GOLLOTT: Do we have to have a motion on
23 that, Sandy?
24 MS. CHESNUT: No, that's fine, unless anybody
25 disagrees.

1 MR. MILLER: 10:00 a.m. We do a press release  
2 before the meeting, so we'll make sure that the public knows  
3 what time and location of the meeting.

4 The second is last meeting we were going to play  
5 a video, and we weren't quite prepared to do it. We had some  
6 technical problems. But I think we're prepared today to do  
7 that.

8 Let me just quickly set this up. The agency has  
9 partnered with the Mississippi Public Broadcasting Agency of  
10 Mississippi to prepare three videos, three commercials, that  
11 would run on the public broadcasting network and also be  
12 available for us to run in other spots on cable network if we  
13 choose to.

14 But I want to show y'all the first commercial  
15 that will begin running at the end of this month. So could you  
16 set that up, Jennifer?

17 (Video played.)

18 MR. MILLER: The other commercials focus on  
19 different areas of the agency. This was actually kind of a  
20 conservation and coastal preserves focus. We'll have one on  
21 marine patrol, also on some of our more science heavy side of  
22 the seafood industry.

23 So look forward to bringing those other videos  
24 to y'all in the future and hope that y'all will be on the  
25 lookout for them soon.

5

1 And that concludes my report.

2 MR. GOLLOTT: Thank you, sir.

3 All right. Marine patrol, Keith Davis.

4 E. Office of Marine Patrol

5 1. Report on Citations

6 MR. PITTMAN: I'll be standing in for Chief  
7 Davis.

8 Good morning, Mr. Chairman, commissioners,  
9 Director Miller, Ms. Chesnut. How y'all doing today?

10 Real quick report for last month, Commissioner  
11 Bosarge, on checking some of the restaurants. They did check  
12 three restaurants. Every restaurant had the right paperwork.  
13 We did check the seafood shop. They did have two cobia in  
14 there for sale and a king mackerel that was for sale, too, that  
15 was already chopped up for steaks.

16 MR. BOSARGE: Thank you.

17 MR. PITTMAN: I'm going to go through our report  
18 pretty quick because fisheries has a very lengthy report. Try  
19 to give them more time.

20 In our shrimp violations, we had a total of  
21 three.

22 Our crab violations, we had a total of six. As  
23 you can see, we had one case with eight crabs.

24 Saltwater fishing violations, we had a total of  
25 62.

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1 Our boat and water safety violations, we had a  
2 total of 61. Still several people out there boating without  
3 the proper safety equipment. And as much education as we have  
4 put out, it kind of confuses us. We don't understand why  
5 they're doing this.

6 Miscellaneous violations, we had a total of  
7 five.

8 Total violations for the month, we had 137. For  
9 the fiscal year, that gives us 306 so far.

10 We also had 39 warnings that we issued out for  
11 the past month.

12 We had one boating accident with injuries.

13 And we also had four accidents without injuries.

14 We had one water accident, one drowning. That  
15 happened in Bay St. Louis. Our dive team was called out early  
16 in the morning and we did make the recovery on the subject  
17 around 10:30 that morning.

18 Several assists with public safety, we had 27.

19 Miscellaneous reports, we had a total of 25.

20 No JEA patrols to report this past month.

21 That's all I have.

22 MR. GOLLOTT: Thank you, Rusty.

23 Right now we'd like to ask Sandy to introduce  
24 our new attorney.

25 MS. CHESNUT: Yes. We have a new special

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1 assistant attorney general. His name is Sean Morrison. He  
2 started yesterday. So he will be joining our staff, and if  
3 y'all can come by and welcome him, that would be great.

4 MR. GOLLOTT: Thank you very much.

5 Joe Jewell.

6 F. Office of Marine Fisheries

7 MR. JEWELL: Good morning, commissioners,  
8 Executive Director Miller, Sandy, and our new attorney,  
9 welcome.

10 First up, I'd like to mention our quotas. I  
11 usually do that at every commission meeting. Spotted seatrout,  
12 the total allowable catch is 50,000. We're just over 42,000  
13 pounds. Flounder, the total allowable catch is 74,000. We're  
14 right at 12,000 pounds.

15 On our agenda this morning, first up is Mr.  
16 Scott Gordon with the oyster season recommendation for  
17 2014-2015.

18 1. Oyster Season Recommendation

19 MR. GORDON: Good morning, Chairman Gollott,  
20 commissioners, Director Miller, Counselors Chesnut and  
21 Morrison. Welcome.

22 This morning or today at this commission  
23 meeting, the commission I think has the unenviable task of  
24 deciding what to do with the 2014-2015 Mississippi oyster  
25 season. And I think I also have the equal unenviable task of

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1 presenting to you the condition of the reefs as we have seen in  
2 our surveys of the area.

3 We will continue to evaluate all areas. And if  
4 we have any other findings or maybe some better findings, we  
5 would report that to the commission.

6 Yesterday, we took a boat trip on The  
7 CONSERVATIONIST. Commissioner Zimmerman, some of the task  
8 force members, a few dealer representatives, and some other  
9 fishermen were available to go out. And this is something we  
10 try to do every year, a day on the Sound, where we go look at  
11 whatever places the folks would like to see so they can see  
12 firsthand what condition the resource is in.

13 And during that trip, we played some videos, had  
14 an endless loop, and it was so popular we were requested to put  
15 put together a short video to show the commission, and I would  
16 like to show that at this time.

17 And what this will be showing is a basket dredge  
18 going across the Pass Marianne reef. And then it will be  
19 followed by one of our scuba divers, what they were looking at  
20 when they went down to do some square meter samples.

21 MR. ZIMMERMAN: Scott, while this is going on,  
22 could you explain what a square meter sample is, please?

23 MR. GORDON: Yes. The square meter samples,  
24 that's one of the ways -- whenever we do one minute dredge  
25 tows, that gives us a qualitative information about the size

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1 oysters that were harvested off the reef. So that kind of puts  
2 some things into perspective. You're counting the entire  
3 animal instead of converting that to meat. So I thought that  
4 was an interesting way to look at this.

5 These are the results of our square meter  
6 samples. And I'm going major reef area by major reef area.  
7 This is the first one is the Telegraph reef. It's in the  
8 southern part of our Area II-Approved.

9 I have this broken down into the different  
10 categories: spat, the small spat zero to eight millimeters, the  
11 larger spat nine to 25 millimeters, seed oysters 26 to 50  
12 millimeters, the larger seed 51 to 74 millimeters, and the sack  
13 which is greater than 75 millimeters or a legal three inch  
14 oyster.

15 And on this, you can see out of 22 samples that  
16 we -- these are 22 dive samples, square meter dive samples, we  
17 found zero sacks per acre of the legal oysters.

18 Pass Marianne reef, out of 40 dive samples, we  
19 came up with an average of 0.2 legal size oysters per square  
20 meter sample. That converts into approximately three sacks per  
21 acre.

22 The Pass Christian dredging reef, the average  
23 number of oysters per square meter for the sack oysters is 0.3  
24 legal oysters in a square meter sample. That's out of 38  
25 samples. And that converts into about four to five sacks per

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1 distribution of the oysters or what you would normally see  
2 caught in a dredge.

3 And with the square meter samples, that gives  
4 you a more quantitative measure. So you can extrapolate from  
5 that what the entire reef would be.

6 As he came up on these oysters, what he thought  
7 might have been live oysters, I think he touched about three of  
8 them there, and the first two were dead. That was a live one,  
9 but it was a sub-legal size oyster. Everything else in that  
10 area was mainly hash.

11 Did y'all want to see that again? Or did you  
12 have any questions on that?

13 We're going to try to get some additional  
14 information using this type of sampling.

15 So now let me get into the main part of my  
16 presentation.

17 This is our Mississippi oyster landings for the  
18 last season. We were -- we ended the season at 78,251 sacks.  
19 That's right down here low on the end.

20 And while I was looking at this and putting the  
21 presentation together, I got to thinking about what some of our  
22 other limits are, you know, like on the red drum or, you know,  
23 some of the other fisheries. They have a commercial quota.  
24 And for red drum, I believe it's 35,000 pounds. Well, this  
25 78,251 sacks, that equates to 7.8 million pounds of live

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1 acre.

2 The St. Joseph reef, this was in a little better  
3 shape. But it is a small area in the southwestern portion of  
4 the state. This is out of 30 samples. It averaged eight to  
5 ten sacks per acre. And that's from getting the 0.6 legal size  
6 oysters per square meter sample.

7 The Pass Christian tonging reef area, out of 20  
8 samples, it averaged 0.75 sacks -- oysters per square meter  
9 sample. And that would convert into ten to 12 sacks per acre.

10 What does that mean? This is a standard oyster  
11 resource management protocol. Looking at the number of oysters  
12 that are greater than three inch per square meter, and I  
13 converted that into sacks per acre at both 300 oysters per sack  
14 for the small oysters or 250 per sack for larger size oysters.

15 All of our reefs are going to be either in the  
16 red, the depleted, or the very stressed category.

17 The Telegraph reef is considered to be depleted  
18 since we had zero live oysters in there.

19 Pass Marianne was depleted.

20 Pass Christian dredging depleted.

21 But the St. Joe and the Pass Christian tonging  
22 reefs were in the very stressed category.

23 Now what these categories would mean, if you  
24 were in the healthy category, you would be finding at least two  
25 oysters averaging in your square meter samples. And that would

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1 be a range of between 27 to 32 sacks per square meter sample.

2 And if I can go back to the Pass Christian  
3 tonging reef area, we're looking at 10 to 12 sacks per acre.

4 I think I said square meter sample. Yeah, 10 to  
5 12 sacks. So it falls in between the 0.7 and the 0.8 which is  
6 nine to 13 sacks per acre.

7 If you were in the -- if we were finding these  
8 in the stressed category, that would range from one to 1.9  
9 oysters per square meter sample. That's a range of 13 to 31  
10 sacks of oysters per acre.

11 If we were in this category, we would be looking  
12 at having some very severe restriction whenever you would open  
13 it up, you know, just maybe four days a week or very low sack  
14 limits. But like I said, all of these areas are in the  
15 stressed category.

16 This is results of our one minute dredge tows.  
17 I'm comparing 2013 and 2014. And we had color coded that by  
18 number of legal oysters that we were catching in a one minute  
19 dredge tow, with the red areas being none, this color being one  
20 to 20, and then 21 to 40, and then we didn't have anything  
21 above 40 in a one minute dredge tow.

22 But as you can see, we have a few areas that  
23 have gotten a little better, and some of them have gotten  
24 worse. Noticeably, St. Joe has gotten better since those  
25 oysters have grown.

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1 Now in comparison for a reef that is in very  
2 good condition, this is the Pascagoula Causeway reef, and this  
3 is an area that we are currently moving oysters from that area  
4 over to the western reef.

5 This is out of an average or out of 20 one meter  
6 samples, 20 dive samples, we were averaging 11.05 oysters per  
7 square meter sample, and that converts into 149 to 179 oysters  
8 per sack.

9 Now, there's a lot of folks that think that this  
10 is a very wide extensive area, but it's not. We estimate maybe  
11 50 to 60 acres in there. But The CONSERVATIONIST this last  
12 week they moved 1100 sacks over to Area II-A, the tonging reef  
13 off of the Pass.

14 So the staff recommendation, and after going out  
15 yesterday and giving this a little more consideration, I'm  
16 going to modify this slightly, is to authorize the executive  
17 director to allow a very limited oyster season of one week of  
18 oysters moved from the the Pascagoula River area to  
19 Conditionally Approved Area II with input from the industry to  
20 maximize their value.

21 Now, my modification to this would be that we  
22 would only do this for the tonging areas. I don't believe that  
23 we would be able to move sufficient quantities of oysters with  
24 The CONSERVATIONIST to make it worthwhile for the dredgers to  
25 work on those.

14

1 And then the other standard oyster season  
2 regulations as in previous years.

3 And I know we have a few people in the audience  
4 that may be interested in commenting on this.

5 MR. GOLLLOTT: Thank you, Scott.

6 Do we want to hear from the audience now on  
7 this?

8 MR. DRUMMOND: I don't have any -- where did you  
9 move them to over here on the west side?

10 MR. GORDON: They were moved onto the tonging  
11 area that's II-A conditionally approved waters, and it was  
12 approximately three-quarters of a mile south of the harbor.

13 MR. DRUMMOND: What do you mean by conditionally  
14 approved?

15 MR. GORDON: Conditionally approved means that  
16 those waters can be open only under certain conditions, and  
17 that is if we had rainfall or river stage. We will probably,  
18 depending upon what the commission does today, we may also put  
19 some of those oysters into the II-F which is further south that  
20 it takes either two inches of rainfall or a 12 and a half foot  
21 river stage, whereas the II-A takes one inch of rainfall or a  
22 ten foot river stage.

23 MR. DRUMMOND: And are you still moving oysters  
24 from Pascagoula?

25 MR. GORDON: Yes, sir. We're going to be moving

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1 The CONSERVATIONIST back to that area today or to Biloxi today,  
2 and they will be moving those oysters beginning tomorrow.

3 MR. DRUMMOND: Are these oysters polluted?

4 MR. GORDON: That area is -- we have been able  
5 to reclassify it as restricted. So it cannot be opened up for  
6 direct harvest. But we would have to allow a certain period of  
7 time go by and make sure those oysters are clean. And we will  
8 be collecting samples and having the Gulf Coast Research  
9 Laboratory make sure that it's safe for us to open up those  
10 areas.

11 MR. GOLLLOTT: Anyone else have any questions?

12 MR. BOSARGE: And how long do you think that --  
13 just a rough estimate -- from the time you move them to the  
14 time they're clean enough to harvest?

15 MR. GORDON: Approximately ten weeks if you have  
16 favorable environmental conditions.

17 Did I say ten weeks? I'm sorry. Two weeks.

18 MR. BOSARGE: Okay.

19 MR. GORDON: I'm sorry.

20 MR. BOSARGE: I was trying to figure when we  
21 were going to have an oyster season.

22 And you're looking at possibility of just a one  
23 week season on the tonging grounds only? Is that what I'm  
24 understanding?

25 MR. GORDON: Yes, sir, on that area that we have

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1 moved the oysters to. Right now, we're putting that in a ten  
2 acre site. I had the guys kind of map out a ten acre site, and  
3 we will mark that.

4 And then if we put them out in an additional  
5 area, we will mark that area, as well, so they will know where  
6 they will be able to go.

7 MR. BOSARGE: Thank you.

8 MR. GOLLOTT: Mr. Bosarge, are you okay with  
9 letting some fishermen talk on this?

10 MR. BOSARGE: Yes, sir.

11 MR. ZIMMERMAN: I have one question, Scott.

12 You showed us yesterday where we were putting  
13 that new cultch. Is that the right word?

14 MR. GORDON: Yes, that's correct.

15 MR. ZIMMERMAN: New cultch out. Talking with  
16 Charlie yesterday, I was picking his bones trying to educate a  
17 little bit, and he was talking about the spat oysters.

18 On that new cultch, are we going to put seed  
19 oysters on that in time before the water temperature drops  
20 before the spat comes?

21 MR. GORDON: Well, that area is surrounded by  
22 oyster reefs, so there should be oyster larvae in the water.  
23 And, yeah, we're timing this where traditionally we will have a  
24 fall spat set. However, we did find in some of our samples  
25 that in August we got a spat set. We had that little cold

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1 I agree with a few things that Scott has to say  
2 about this. But we have been in a -- for 40 years that I've  
3 been doing this, we've been managing a resource, we haven't  
4 been building it. I mean, management kind of makes building,  
5 you could think in your head if you think from the side of  
6 things that the academics think from.

7 But when you think of it as a fisherman, like I  
8 do, just common sense stuff, is we haven't built anything since  
9 I've been a fisherman, I mean actually built anything. All  
10 we've ever done is taken. And we've added to it a little bit  
11 now and then, but we haven't done it the way we should have  
12 done it or the way that I think we should have done it.

13 And what I'm saying is, it's a great job of  
14 management. We have managed the hell out of this stuff. But  
15 what are we managing? We're managing a little pile of oysters,  
16 just micro pile of what used to be there, instead of making it  
17 what it could have been and then managing it.

18 I mean, it's all one big thing if you look at it  
19 through the big eyes and all the way around you like I do  
20 because I'm out there and I'm looking. And I have a friend  
21 Harold Strong who could tell you the same thing. He's a  
22 dredger. So he sees it with even bigger eyes than I do.

23 But, you know, as far as holding us back, and I  
24 understand dredge season, there's nothing there. I was on the  
25 boat yesterday. It's pathetic. It's absolutely pathetic.

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1 front that moved through and some rain along with that. And we  
2 saw an unusual summer spat set.

3 MR. ZIMMERMAN: But, I mean, would it be worth  
4 it to make sure we seed that before, you know, to make sure  
5 that it grows good for next year? Well, it's not going to be  
6 any good for next year. But that we get that reef growing  
7 fast, as fast as we can?

8 MR. GORDON: We could potentially do that, yes.  
9 I don't know that it would be necessary, but it would not hurt  
10 to put some oysters around that area.

11 MR. ZIMMERMAN: I mean, it seems easy. We're  
12 having some oysters on The CONSERVATIONIST, may be worth, once  
13 they're through spraying it or getting it on the bottom, is to  
14 go put them, you know, spread some of those oysters on it.

15 MR. GORDON: Sure. Yes, sir.

16 MR. ZIMMERMAN: This is something I was  
17 thinking.

18 MR. GOLLOTT: I don't have a list of fishermen  
19 who would like to talk. George, do you want to start it?  
20 Because I know you want to say something.

21 MR. STORRS: Sure.

22 MR. GOLLOTT: Please come to the microphone and  
23 state your name.

24 MR. STORRS: My name is George Storrs, and I'm  
25 an oyster fisherman.

18

1 I've never seen it as bad as it is now. But I can say this.  
2 And if any of you remember, I come here two or three times a  
3 year, and I say, look, we need to make this better, we need to  
4 add to it, we got to figure out a way to do something, spend  
5 some money on this thing to make it better.

6 Well, we're spending millions, but we ain't  
7 making it better because we ain't doing something right. I  
8 don't know exactly what it is. But I know that if I was in  
9 charge of this thing, I ain't real smart, I'd be digging up all  
10 the oysters I could dig from all the places we can't go and get  
11 them and I'd be putting them out there all year long. If  
12 something kills them, fine. But at least we put them there.  
13 And at least the cultch would be there. At least there'd be  
14 some profile for that column that the spats float in to catch  
15 onto, and we would never be in this position as far as I'm  
16 concerned.

17 Now, I'm not looking at this from a scientific  
18 way. I'm just going from just plain old way to look at things  
19 like a fisherman would. So I know there's a lot of holes in  
20 this in my story here. But there's a lot of common sense in  
21 it, and there's a lot of truth in it, as far as I'm concerned  
22 and the fishermen like me are concerned.

23 So what I'm saying is I understand that there's  
24 nothing on that dredging reef. Now, you can go out there and  
25 you can dredge it and just tear it down some more. But I do

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1 understand from the point of view that I do things, which is  
2 tonging, that if you just put me in this little small area for  
3 five days, that ain't helping me. It's not hurting anything  
4 because there's nothing there. Maybe ten percent of what they  
5 put out there or going to put is going to live that you can  
6 actually make money from that's harvestable. The rest of it is  
7 going back in as cultch, which is fine, they got to go back.

8           But my point is, if you turn us loose, I'm  
9 talking about as the tongers, and I'm sure that there's going  
10 to be some guys that show up and they're going to have two or  
11 three boats from another state. But that's still not going to  
12 be 40, 50 boats. There'll probably be 20 maybe at the most.

13           Turn us loose on that small place that you gave  
14 us anyway which was the box. And it wasn't just you. This was  
15 done years before you got here.

16           We had a big old tonging reef. I mean, it was  
17 huge. And now it's nothing but a little mile square box. And  
18 90 percent of that is gone. But there is ten percent of that  
19 that's still alive and thriving, and we need to find it. And  
20 the only way we can find it is have a number of boats to find  
21 it. If you just let and four or five other guys just go there,  
22 and we stay in this one place, we'll never find these oysters  
23 that could be around these other oysters, especially back in  
24 II-F. II-F is where we left a lot of oysters that were maybe  
25 an inch and a half, two inches last year. And thousands,

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1 hundreds, millions of them things we shoved over there was  
2 nothing but like spat. And they wouldn't be ready. But the  
3 ones that were one and a half, two inches, be sitting there  
4 unless the conches ate them up. But let us go find out if the  
5 conches ate them up. Don't put us in that area for one week.

6           My proposal is open it the last week of October,  
7 not November and all up into there, just October, and let it  
8 run through March, the end of March. If there's not any  
9 oysters, we're going to be the ones that say look, why should  
10 we even be here wasting our time doing this. You can't hurt it  
11 if they're not there. You might bring it down, but you are not  
12 going to ever take it out with oyster rakes, you're just not  
13 going to do it. There's not enough oyster fishermen that tong  
14 that can do that, even in a mile square area. It just can't  
15 happen. If it could, I would say it could because I'd like to  
16 be the one that could do that. But that's just impossible.  
17 You cannot do it with a pair of rakes and 20 boats or so, you  
18 just can't do it.

19           But if you would just consider opening it up,  
20 because even if you -- when you open this thing up, a third of  
21 that time will be gone or more because of the weather and the  
22 conditions of the II-A area. You get that two inches or less  
23 or whatever it is, one inch, I think it's II-A, you shut down.  
24 There's nothing really up in the II-A area anyway. But then  
25 you get out to the II-F area where the oysters are, where we

22

1 have something left out there, we left them last year, the  
2 restrictions are not as tight on you, and you get a chance to  
3 work. But then you have days that it's blowing 25, 30 miles an  
4 hour so you're screwed then even if you have good conditions as  
5 far as your water samples go.

6           So there's going to be a lot of that time taken  
7 away from us. That's why I'd like for you to go from October  
8 through March and that would be fine. And they just showed  
9 that now. Let's pick a date in March, at the end of March, and  
10 that gives us time to really find something and really make a  
11 little bit of money if there's anything there. If there's not,  
12 what are we hurting? We're just spinning our own tires.

13           That's what I'm saying. You got people in  
14 place. You got everything in place. They need to go set up.  
15 I know they got to get their machines ready. They got to do  
16 all this stuff. That's why I'm saying the end of October is  
17 not too soon to do this. I think that's plenty of time for  
18 them to get ready, and it gives us time to do something and  
19 then search and dig up that pile a little bit that's out there  
20 so there will be oysters for Thanksgiving and hopefully through  
21 Christmas and all through into New Year's and on a little bit  
22 maybe, if we find them. If we don't find them, we just don't  
23 find them, and we won't, you know, won't press you to let it  
24 run on if there's nothing there.

25           MR. GOLLOTT: Thank you, George. We understand

23

1 what you're trying to say, and I agree with you.

2           MR. STORRS: You're getting tired of hearing me,  
3 I know.

4           But if you just consider that, please consider  
5 that.

6           MR. GOLLOTT: Mr. Harold Strong, I believe you  
7 want to say something.

8           MR. STRONG: Hey, Commisioenrs.  
9 I agree about --

10          MR. GOLLOTT: State your name, Harold.

11          MR. STRONG: Harold Strong. I'm on the oyster  
12 task force.

13          If you was looking at the film, you notice that  
14 all of the reefs that are on the outside are the ones that's  
15 the most decimated.

16          The reason for that, it's got nothing to do with  
17 anybody that's in this room. It's Mother Nature. Saltwater  
18 intrusion.

19          Your best reefs is the ones that's on the inside  
20 because they're by the rivers where they're getting some fresh  
21 water and some feed.

22          You are not ever going to be able to do anything  
23 other than haul oysters from a closed area and put them where  
24 they'll grow and get cleaned out that's going to make any  
25 difference as long as the saltwater intrusion is taking place.

24

1 It's not happening just here. It's happening  
2 everywhere. Our reefs in Louisiana have more oysters on them  
3 than the State of Mississippi's got, the whole state.

4 Mike Cure alone has more oysters by far, by far,  
5 than every oyster you have in this state including your closed  
6 areas. But it's because of where they are at. They're inside  
7 the marsh where when it rains, the water just is a bowl, and  
8 they get feed from the land.

9 Building reefs on our outside reefs is too late,  
10 it's over, unless you can take the sandbar that's known as  
11 Chandeleur and make it an island again.

12 Our water's just coming out of the rivers and  
13 going straight through the marsh. You have nothing holding it  
14 back any more.

15 MR. ZIMMERMAN: Explain what you're saying about  
16 that. I heard you make that comment yesterday, and I'd like to  
17 let the public know what you're talking about. I understand it  
18 because I go to the marsh pretty regularly.

19 MR. STRONG: Well, you've been to the marsh. If  
20 you was out there before Katrina, and you tried to go anywheres  
21 out there, you'd run across land. Now you can run, like I'll  
22 give you one place in particular, Three Mile Pass. Well, it  
23 wasn't really three miles wide, it was just because it was  
24 three miles from the outside that that's what the name of it.  
25 But now it is three miles wide. It only used to be where you

25

1 that beach. That one boat cannot haul enough oysters to make a  
2 difference, believe me it can't.

3 We haul, the way we build our reefs in  
4 Louisiana, I can build more reef in this state in one year than  
5 y'all can build in five because we know how to do it, y'all  
6 don't. It's just that simple.

7 I understand you got biologists, and I  
8 understand what they're doing is good, but they don't take into  
9 consideration the other things around them.

10 I guarantee you, we could haul all the oysters  
11 that's in that 50 acres he was talking about in two weeks. The  
12 CONSERVATIONIST won't do it in 200 years. You don't have  
13 oyster fishermen on it.

14 What they call a load, it's nothing. We haul  
15 that with one boat in one day.

16 And it just is what it is. That's about all I  
17 can tell you.

18 MR. GOLLOTT: Thank you, Harold.

19 MR. STRONG: But it does need to be closed.

20 MR. GOLLOTT: Anyone else like to talk?

21 MR. STORRS: May I say one more thing, please?

22 MR. GOLLOTT: Sure.

23 MR. STORRS: There was one thing I need to say  
24 about the sack limit, and I just didn't get to it because I was  
25 blabbering on about everything else. But we could cut that

27

1 could go a boat through it. Your water is not coming here any  
2 more. It's just going around the outside, and your salt water  
3 is coming in.

4 You will have no more Mississippi Sound pretty  
5 soon. It will be the Gulf. And the further the salt water  
6 comes in, I'm not a biologist, but I know what happens to our  
7 reefs, and it's not happening just here. Scott's counterpart  
8 in Louisiana is Patrick Banks. He's a good friend of mine. I  
9 talk to him all the time. Black Bay, American Bay, Bay  
10 Gardine, that's all on the outside the marsh, they have no  
11 oysters, zero. They put cultch plants down just like we do.  
12 They use limestone and concrete just like we do. Do you know  
13 what they're getting off of it? Zero. None. No live oysters  
14 at all. The spat came and died. Salt water.

15 Unless you can start putting the oyster cultch  
16 closer to the land where we have some fresh water for it to  
17 work with as far as south of the Intracoastal, that's over  
18 with. You're never going to have oysters out there again. We  
19 used to catch oysters in the Louisiana side and the Mississippi  
20 side. In the '60s we worked all over Cat Island. We hauled  
21 steam, steam stock, barrels of oysters for the steam. You'll  
22 never do that in this state again. It's just gone. It's never  
23 going to happen. It's over.

24 And as far as The CONSERVATIONIST, I commend  
25 what they're doing. It's just like dropping a grain of sand on

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1 sack limit to eight sacks, that would be immense because you  
2 take ten boats and you got eight sacks instead of 12, that's a  
3 petty good lick every day of what's going to be left anyway.  
4 So if you could take that into consideration if you're going to  
5 consider opening this thing, appreciate it.

6 MR. GORDON: As far as the sack limit goes,  
7 that's not anything that we had decided on yet. I think a lot  
8 of what would be taken into consideration would be how many  
9 oysters we are able to move to that area and if it looks like  
10 we're going to have a lot of participation.

11 MR. GOLLOTT: One of the things that I'd like to  
12 say is I agree with George on his point. The tonging area, I  
13 think once we open it, I think we ought to leave it open and  
14 let the fishermen decide, you know, as long as we enforce those  
15 strict culling laws and everything, when it gets down so bad  
16 they'll quit fishing.

17 I think we need to relay everything we can ut of  
18 polluted areas. Let's put them out there for the fishermen. I  
19 think this is a bleak picture you're painting there.

20 MR. GORDON: I'm sorry.

21 MR. GOLLOTT: This is a very bleak picture  
22 you're painting for the oyster season, so I think we need to do  
23 everything we can to help the fishermen this year. Move all  
24 the oysters out of Pascagoula or wherever, I'm not particularly  
25 in favor of moving out of Graveline Bayou. I think we need to

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1 leave Graveline Bayou open. That would give us a big plus  
2 right here if you can find out where the pollution is coming  
3 from.

4 But our next meeting is October the what? It  
5 would be the 21st. You're not talking about opening the season  
6 until when? October what?

7 MR. GORDON: Well, what the recommendation was  
8 to have some discussions with the industry and see when would  
9 be best, I guess, for them to maximize the value. And in  
10 talking with one of the dealers yesterday, she said she kind of  
11 felt like, you know, a week or two before Thanksgiving might be  
12 the greatest demand.

13 But you had -- as our square meter samples, the  
14 best reef condition that we had was the Pass Christian tonging  
15 area. And I'd still like to point out to you it was .75 market  
16 oysters per square meter, and so that falls in between these  
17 two, which would be between nine to 13 sacks per acre. That's  
18 in the very stressed category. That is the category where you  
19 would want to be shutting down a season instead of opening up a  
20 season.

21 MR. GOLLOTT: I understand what you're saying,  
22 but if we're going to relay, it would change the numbers quite  
23 a bit, if we're going to relay them onto the small area.

24 So what I'd like to see us do is just put this  
25 off until the next meeting since we're not going to open it

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1 may have to open the Bonnet Carre. We might get a storm.

2 It's one of the things, you know, these oysters,  
3 you can't save anything up like this.

4 MR. BOSARGE: Scott, would you be against if we  
5 gave the executive director the authority to open it for one  
6 week but also give him the authority to extend it if it appears  
7 that the fishermen are still catching good oysters and it could  
8 go on for a little longer?

9 MR. GOLLOTT: Why don't we just give him the  
10 authority to open it?

11 MR. GORDON: I think that would be okay because I  
12 did say that we were going to continue to evaluate other areas  
13 and see if we can locate something. So, yeah, I think I would  
14 be okay with that.

15 MR. BOSARGE: In that case, I'd like to make  
16 that motion that we give the executive director the authority  
17 to open a limited oyster season for one week, but also the  
18 authority to extend that season if conditions show that it  
19 could be done.

20 MR. ZIMMERMAN: And I'll second that motion.

21 MR. GOLLOTT: Do we have any more discussion on  
22 this?

23 The only thing I would like to see is the one  
24 week taken out of there, just the word. It doesn't really  
25 change the thing. But do you have any objection to that,

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1 before the end of October anyhow and maybe come together and  
2 see if we can figure out a little bit better strategy.

3 I guess -- do we have to have a motion on that?

4 MR. GORDON: You want to put me through this  
5 again.

6 MR. JEWELL: Sandy, correct me, but the motion  
7 that I understand that's on the table is to give the executive  
8 director the authority to open the season --

9 MS. CHESNUT: There's been no motion made.

10 MR. JEWELL: The recommendation made.

11 MR. ZIMMERMAN: And what I would ask the  
12 commissioners, are we okay with giving Jamie the right to do  
13 that? I think they'll get together and do what we're wanting  
14 as far as making the best decision possible with what's on the  
15 table.

16 MR. GOLLOTT: I don't like this motion because  
17 it says one week. I'm not in favor of opening the tonging reef  
18 for one week.

19 I think George is right. I think when we open  
20 it we need to let the fishermen -- there's oysters out there  
21 that these fishermen can find to make a living as long as they  
22 cull them to the three inch limit or -- and they give an extra  
23 percentage I understand of smaller oysters, but I think we need  
24 to let them make as much as they can this year off of this  
25 reef. Next year we might have a flood, you know, I mean, they

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1 Steve?

2 MR. BOSARGE: No, sir, I don't have a problem  
3 with taking the one week out.

4 MR. GOLLOTT: Okay. We have a motion. we have  
5 it seconded. All those in in favor.

6 MS. CHESNUT: Wait a minute. Wait a minute. We  
7 have a modified motion to authorize the executive director to  
8 allow a limited oyster season and then the authority to extend  
9 that season based on conditions, favorable conditions.

10 Okay. Is that the motion?

11 Do we have a second on the modified motion?

12 MR. ZIMMERMAN: Yes.

13 MS. CHESNUT: Okay. Now you can take your vote.

14 MR. GOLLOTT: All in favor.

15 MR. MILLER: I'm sorry, just to clarify. Does  
16 the motion also only recommend Conditionally Approved Area II,  
17 or does it include other areas as staff recommends?

18 MR. BOSARGE: No. It needs to be only  
19 Conditionally Approved Area II.

20 MR. JEWELL: And it's only for tonging; correct?

21 MR. BOSARGE: Only for tonging, correct. I'm  
22 glad you clarified that.

23 MR. GOLLOTT: All those in favor with the  
24 modifications made to this motion say aye. Opposed? Motion  
25 carries.

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1 MR. GORDON: Thank you.

2 2. Recommendation Concerning Basket Dredges

3 MR. GORDON: We've got some more show and tell  
4 for this. This is the basket oyster dredge recommendation.

5 Chairman Gollott had asked that whenever I came  
6 back to talk about the season that I have some recommendations  
7 for the basket oyster dredge, what to do with that.

8 And here I guess for the audience that didn't  
9 see the last time, basket dredge or self-dumping dredge or also  
10 known as Alabama oyster dredge, and we have courtesy of Keath  
11 Ladner, a dealer in Hancock County, he loaned me two small  
12 models, one of each. One is of a basket dredge so the  
13 commission can look at that, and the other is of a bag dredge.

14 Here is your typical bag dredge.

15 And the basket dredges, this is recapping what I  
16 did at my last presentation on this, was the reason they're  
17 used, they're self-dumping, less muscle required, require fewer  
18 deckhands, the ease of use. They're required in Alabama.  
19 There's probably less maintenance required.

20 Some of the concerns are they may be more  
21 difficult to fish properly, may damage or bury oysters, may dig  
22 too deep, may make oysters in the area muddy by stirring up  
23 excessive sediment.

24 So after looking at this, these are the  
25 recommendations that I would like to make on that, that we

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1 intend to do.

2 MR. DRUMMOND: Scott, it looks like to me during  
3 your video of the sampling with your basket dredge that a lot  
4 of oysters were out in front of the dredge and were not  
5 captured.

6 MR. GORDON: Yes, sir.

7 MR. DRUMMOND: So I don't know how efficient  
8 that particular dredge is for oyster sampling in that you are  
9 not getting a good sample according to that video.

10 MR. GORDON: Yes, sir.

11 MR. DRUMMOND: Maybe the sample is good enough  
12 for you, but it looks like you're not getting all the oysters.

13 MR. GORDON: Well, like I said, we learned a lot  
14 from these videos.

15 MR. DRUMMOND: You had one minute samples; is  
16 that what it is?

17 MR. GORDON: Yes. We're not doing -- our one  
18 minute dredge tows are not using that. It's using a small  
19 sample dredge, bag dredge.

20 That was just early on from some of our videos  
21 that we had done, you know, with the affixing those little  
22 small GoPro cameras, video cameras, on there. And, you know,  
23 that was one of the things that we did notice that maybe we  
24 need to, you know, put some more or less cable out or whatever.

25 But it was interesting to see, you know, that

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1 gather updated information on harvesters using basket dredges.  
2 The last survey that we did was in 2010, and we estimated about  
3 30 percent of the dredgers were utilizing basket dredges at the  
4 time.

5 I've also met with some of the Vietnamese  
6 fishermen that basket dredges are popular with them because  
7 usually they're smaller in stature and it requires -- it's  
8 easier for them to use than a bag dredge, pulling the weight.

9 But we would also like to encourage basket  
10 dredge harvesters to use the minimum amount of chain or cable  
11 necessary and to work with harvesters to refine or modify a  
12 basket dredge that will help to minimize reef damage and also  
13 deploy underwater cameras on basket dredge harvest vessels so  
14 they can see for themselves how it is fishing.

15 So as we ID some of these folks, we can show  
16 them, okay, this is what happens if you have too much cable or  
17 chain out, this is what happens if you pull a short chain on  
18 it.

19 And I think seeing for themselves, if you saw  
20 from that video, we learned a lot from seeing some of these  
21 videos, you know, because it was pretty amazing to see some of  
22 that.

23 So anyway, these are my recommendations for the  
24 basket dredge. And I don't know that there's any necessity for  
25 the commission to take any action on this, but this is what we

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1 some things that you think are going on are not.

2 MR. GOLLOTT: Scott, have you drawn any  
3 conclusions? Is the basket dredge damaging the reef by what  
4 you've seen?

5 MR. GORDON: I believe there is potential for  
6 it. You know, if you wanted to look at that video again, you  
7 could see in that particular instance, I don't think it would  
8 have been causing any more damage than a bag dredge.

9 But it might be more difficult to regulate it  
10 properly to fish right.

11 The folks in Alabama, that's the type of dredge  
12 that they require. Over in Louisiana, I've talked to -- you  
13 know, we've had some discussions with some of the leaseholders  
14 over there that they will use the basket dredges, some of them  
15 don't. So, you know, people either swear by them or swear at  
16 them.

17 I know our folks, whenever they're moving these  
18 oysters from the Pascagoula River area, they really appreciate  
19 it because how it saves them the work from having to go up and  
20 dump the bag every time, you know. It's self-dumping, and  
21 we're able to get those oysters stocked up a lot quicker.

22 MR. GOLLOTT: My question is: Do we need to  
23 outlaw this thing or approve it? I think you're going to have  
24 to get some sampling on soft reefs as well as the hard reefs.

25 MR. GORDON: Yes, you're correct.

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1 MR. GOLLOTT: So please do that for us in the  
2 future so we can have better data on these dredges. And it  
3 will be interesting to see what Harold Strong -- what his  
4 opinion of this dredge is because they're a private fisherman  
5 and they're not going to use something on their own reef that's  
6 going to damage it. You may want to talk to him about it.

7 MR. GORDON: Part of the conversation that I've  
8 had with some of these Vietnamese-American fishermen was about  
9 this modifying the basket dredge that will help minimize reef  
10 damage. So I'm hopeful that we're going to be able to do some  
11 of that.

12 You know, new gear types, new more efficient  
13 gear types that are easier on the resource, I think that's  
14 something everybody wants. So I think this might be a good  
15 opportunity for us to work with that sector and try to modify  
16 something that's going to make it easier for them to work and  
17 be more efficient and resource friendly.

18 MR. GOLLOTT: Thank you. Listening to what you  
19 have, the assessment of the oyster reefs, I don't think there's  
20 a great big hurry, and it's not something that we have next  
21 week anyhow. So work on that for us, please.

22 MR. GORDON: Yes. Thank you.

23 MR. ZIMMERMAN: Scott, I have one more.

24 You talked about the Alabama dredges and the  
25 basket dredges being legal there. If my memory serves me

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1 right, they have a 90 pound weight limit, we have 115. Is that  
2 correct?

3 MR. GORDON: No. They have 115, and ours is  
4 140.

5 MR. ZIMMERMAN: Okay. With that said, should we  
6 lower that limit? Should we look at that, also?

7 MR. GORDON: That's a -- that would be a  
8 consideration. But you might also want to consider that with  
9 the bag dredges, too. I don't know.

10 I don't think we're at that point where we would  
11 want to make a recommendation at this time until we gather some  
12 additional information.

13 MR. ZIMMERMAN: All right.

14 MR. GORDON: Thank you.

15 MR. GOLLOTT: And I think Joe's got some spotted  
16 seatrout, my favorite subject.

17 3. Title 22 Part 7: Modification of the Spotted  
18 Seatrout Endorsement

19 MR. JEWELL: Commissioners, I have before you  
20 for your consideration for final adoption Title 22 Part 7.

21 The Commission on Marine Resources passed a  
22 notice of intent on August 19, 2004 (sic). The following day,  
23 the notice appeared on the administrative bulletin.

24 Subsequently, the legal notice was published in  
25 the Sun Herald on September 2.

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1 Public notice was provided on the DMR web page  
2 on -- I think on September 21.

3 Public comments. The public comment period was  
4 from August 20 through August 15 (sic) which was 27 days. No  
5 public comments were received.

6 Summary. The statements were added in Chapter 9  
7 Section 111 providing provisions to spotted seatrout means test  
8 to address safety concerns and allow fishermen to have another  
9 individual on board in case of an emergency.

10 This is how the final version of changes will  
11 read in the Title 22 Part 7. I'll read that for you for the  
12 public record.

13 The following provisions are provided to address  
14 safety concerns and allow a fisherman to have another  
15 individual on board in case of an emergency.

16 For commercial hook and line fishermen, the only  
17 two fishermen on or aboard a vessel commercially harvesting  
18 spotted seatrout, one of the fishermen is not required to  
19 possess the spotted seatrout endorsement. However, that  
20 fisherman is required to possess an applicable commercial  
21 harvester's license. If two or more commercial hook and line  
22 fishermen possessing the spotted seatrout endorsement are  
23 aboard a vessel commercially harvesting spotted seatrout, all  
24 fishermen aboard the vessel are required to possess the spotted  
25 seatrout endorsement.

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1 For net fishermen, the vessel must possess a  
2 valid fishing boat license. And if only two fishermen are  
3 aboard the vessel commercially harvesting spotted seatrout, one  
4 of the fishermen is not required to possess the spotted  
5 seatrout endorsement. If two or more net fishermen possessing  
6 the spotted seatrout endorsement are aboard the vessel  
7 commercially harvesting spotted seatrout, all fishermen aboard  
8 the vessel are required to possess a spotted seatrout  
9 endorsement.

10 A motion for final adoption of the proposed rule  
11 for Title 22 Part 7 is required.

12 MR. GOLLOTT: Do we have a motion on this?

13 MR. BOSARGE: I'll make a motion.

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

15 MR. GOLLOTT: Have a motion. Do we have a  
16 second?

17 MR. ZIMMERMAN: Second.

18 MR. GOLLOTT: Motion and a second. All those in  
19 favor say aye. Opposed? Motion carries.

20 MR. JEWELL: Thank you, Commissioners.

21 MS. CHESNUT: What's the effective date of that,  
22 Joe?

23 MR. JEWELL: It will be 30 days from the filing  
24 notice on the administrative bulletin. And we'll probably do  
25 the notice today or tomorrow morning.

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1 MS. CHESNUT: Thank you.

2 MR. JEWELL: Next up for your consideration is  
3 the red snapper mandatory monitoring program requirements.

4 4. MS Red Snapper Mandatory Monitoring Program  
5 Requirements

6 MR. HILL: Good morning, Commissioners, Director  
7 Miller, Sandy.

8 The first -- this is everybody else's second  
9 favorite subject today, so we're going to go over the red  
10 snapper mandatory monitoring program. We've been over this a  
11 few times.

12 One thing I want everybody to remember is some  
13 of the details in here aren't quite worked out. We're just  
14 asking for the commission's approval on moving forward with the  
15 mandatory reporting on this instead of the voluntary reporting.

16 The first thing that we're planning on doing is  
17 instituting an offshore landing permit. As of now, this would  
18 be a vessel permit. It will require the owner or captain of  
19 the vessel would be required to possess the landing permit with  
20 an associated authorization code in order for the vessel to  
21 land red snapper in Mississippi.

22 This would mean that they would basically have  
23 to declare that they were going snapper fishing on that day.

24 The authorization code would be valid for a  
25 single trip and must be reported on even if the trip did not

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1 if we checked him at the dock and he landed red snapper, that's  
2 the key -- it's not where you harvest the fish, it's where you  
3 land the fish. That's where if we ever get to a situation  
4 where in regional management or something along those lines,  
5 it's where the fish are landed. It's the state in which the  
6 fish are landed.

7 So if you are checked at the dock and you have  
8 red snapper, whether you caught them in Louisiana, Alabama,  
9 Florida, if you land them in Mississippi, you would have to  
10 have this permit and that permit would have to have that  
11 authorization code for that particular day to be able to land  
12 them.

13 MR. BOSARGE: So if you were checked in  
14 Mississippi waters away from the land, what would happen then?

15 MR. HILL: If you only had a Mississippi license  
16 and you had red snapper on board, you would be required to have  
17 the permit, the offshore landing permit.

18 MR. BOSARGE: It doesn't matter where you're at,  
19 so this way we get every fisherman has to get a fish permit.

20 MR. HILL: They would have to have this permit.  
21 Now, that would be, in our minds, it would be hard to enforce  
22 if they had a Louisiana license. There's really nothing that  
23 we could say. But if all they had was the Mississippi  
24 saltwater license and they possess red snapper on the vessel,  
25 they would have to have this permit with this code in their

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1 occur. So if they were not able to go for weather or for other  
2 reasons, they would still have to let us know that they were  
3 inactive.

4 And this, of course, would be a no cost permit  
5 at this time.

6 The reporting requirements as we see it now  
7 would be the owner or captain of the vessel would be required  
8 to report on each trip under this permit. Each trip applied  
9 for a permit would be assigned a unique authorization code.  
10 The new code would not be generated until the existing code is  
11 reported on. This includes an inactive trip.

12 So what we have right now in our mind is if  
13 somebody applied for the permit, they could go fishing to  
14 harvest red snapper, but they could not go again until they  
15 reported on that trip.

16 MR. BOSARGE: Just a little clarification. It's  
17 a landing permit. So if a fisherman now and whatever  
18 enforcement comes aboard and checks him, would he have to show  
19 that he had a landing permit? I'm trying to figure out, is  
20 this going to be strictly making sure that people do what  
21 they're supposed to do? If you're on the water and you're  
22 fishing and the season is open, in my eyes you don't have to  
23 have a permit. Basically the only time you would have to have  
24 a permit would be when you dock to the land.

25 MR. HILL: It would be -- if he was out there,

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1 possession.

2 MR. BOSARGE: I mean, to me, that's where we're  
3 going, what we need to make sure that all the fishermen are  
4 reporting their catch.

5 MR. HILL: That is correct.

6 MR. BOSARGE: Not just what they're landing.  
7 You know what I'm saying? It's almost like they're home free  
8 if you make it to the dock.

9 MR. HILL: That's correct. And that's what --  
10 the other states are just requiring this permit, and we feel  
11 like with this authorization code, if you know you're going to  
12 land these fish in Mississippi, you have to have this code.  
13 We're going to know how many fishermen should be out there on  
14 that day. You're basically free declaring that you're going  
15 red snapper fishing and you're going to land those fish in the  
16 State of Mississippi.

17 So we're going to know how many fishermen we  
18 have leaving and how many we have coming back with the  
19 intentions of landing red snapper that day.

20 And that's mainly for -- we'll get to it later  
21 -- but for validation purposes. If we have 30 vessels show up  
22 on a data base saying that they're going snapper fishing that  
23 day and we go out there and we count 30 vessels, well, then, we  
24 feel like we're doing a pretty good job. If we count 100, then  
25 we may have an issue.

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1 MR. BOSARGE: And with the current setup you  
2 have now, you'd be able to deal with those other 70 vessels?

3 MR. HILL: That's what we were going to have to  
4 work towards is making sure. We'd have to get out there on the  
5 public relations and making sure these people understand that  
6 they have to have it. Maybe the first year that it was  
7 mandatory, instead of issuing them a citation, almost do like a  
8 work order, hey, you know, we're not going to give you -- write  
9 you a citation for this, but you -- we're going to have it to  
10 where they can obtain that permit or that code immediately. So  
11 as long as they do that, at least we can get them in the system  
12 and then give them a one year grace period for this it is  
13 mandatory and then for everybody to get on board and understand  
14 what we're trying to do.

15 That's how we have it. Things can change, but  
16 that's how we have it, that's how we've thought of it at the  
17 moment.

18 MR. BOSARGE. Thank you.

19 MR. HILL: So what we're considering is that the  
20 owner or the captain of the vessel would be required to report  
21 on each trip under the landing permit.

22 Each trip applied for under the permit would be  
23 assigned this authorization code. The code would not be  
24 generated until the code is reported on whether it's active or  
25 inactive.

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1 You could report. Reporting would consist of  
2 logging into the system via smart phone, app, online, or by  
3 telephone.

4 The information required would be the  
5 authorization code assigned for that day, whether you were  
6 inactive, whether you were active or inactive. If it's  
7 inactive, then the survey would stop immediately. The number  
8 of anglers on the vessel. The number of red snapper harvested.  
9 The hours fished. And landing or landed at a private access  
10 site or public access site. If landed at the public access  
11 site, we would ask to please give the location. That would be  
12 for our dockside validation purposes.

13 We would continue to collect the biological  
14 information through dockside interviews focused on collection  
15 of lengths and weights. These interviews may also be used as a  
16 validation tool when cross-referenced with the landing permit  
17 data base if the interviewer obtained the authorization code  
18 for that day.

19 And this would give us a correction factor to  
20 say how many people that we have basically following this  
21 regulation because we are going to have some people that do not  
22 follow the regulation in the beginning, and we have to be able  
23 to correct for that in our final numbers.

24 We would also rely on our for hire industry to  
25 provide carcasses so lengths can be obtained and otoliths

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1 collected for processing. This is in place now for many of our  
2 state managed species, so we do not feel like this would be an  
3 issue.

4 Validation, of course, we will continue our  
5 dockside interviews. We'll have at sea observations which  
6 we'll get to shortly. We would review the enforcement reports  
7 for marine patrol. We would conduct aerial surveys two days a  
8 week, one weekday and one weekend day. And we would e-mail  
9 message and phone interviews for authorization codes that have  
10 not been reported on. If somebody applied for a code and a  
11 certain amount of time went by and we have not heard from them,  
12 we would contact them and try to find out what's going on.

13 Here's something that was very successful for us  
14 during the federal season, our voluntary reporting program. It  
15 was our aerial survey mixed with our vessel survey. The big E  
16 there as we call it was where the plane was able to fly. All  
17 the yellow dots represent a vessel. One advantage we had of  
18 this on clear days we could actually count how many anglers  
19 were on the vessel. We felt like these are areas where they  
20 were red snapper fishing just because it was -- the season was  
21 open.

22 The plane has a limitation of 60 miles. So the  
23 red dots are where we took our offshore vessel and we went  
24 south of the flight path, and we counted those vessels down  
25 there, also.

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1 We went up to them, to as many of them as  
2 possible, got their information from them, asked what they were  
3 doing, verified that they were red snapper -- trying to harvest  
4 red snapper at area. We documented a number of anglers that  
5 were on the vessel. And we documented their registration  
6 number. And one surprise that we saw was there was, in this  
7 area, there was very little mixing. All the vessels we  
8 encountered this far offshore right here were Mississippi  
9 registered vessels. We did not have any mixing of Louisiana or  
10 Alabama vessels.

11 So you can see on the side here, this was  
12 Friday, June 6. It was probably our best weather day in that  
13 federal season. And we encountered 139 vessels during that day  
14 between these two surveys.

15 Some of the concerns that we do have even if it  
16 is a mandatory reporting is this is angler supplied  
17 information, so there will have to be a great deal of  
18 validation.

19 We have a limited number of public access site  
20 in Mississippi which supports offshore landings.

21 Over 50 percent of Mississippi offshore anglers  
22 land at private access sites, whether it's their private dock  
23 from their home or private marinas.

24 We also have a high probability to validation  
25 dockside interviews for the landing permit would interfere with

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1 MRIP surveying, and this comes as a result of staffing issues.  
2 We do have to continue our MRIP survey, but we would be  
3 basically running dual surveys at the same time.

4 There's already a provision on Title 22 Part 9  
5 Chapter 11 for mandatory reporting. We would like to modify  
6 this. And it would read something -- I'm just going to get to  
7 the clean version of it.

8 In Section 100, it would read: Persons engaged  
9 in recreational fishing in waters under the jurisdiction of the  
10 MDMR or landing fish in Mississippi shall be required to  
11 furnish information including a harvest report pertaining to  
12 such fishing to an information confidentiality officer.

13 The owner or captain of any recreational vessel  
14 -- any vessel recreationally harvesting red snapper is hereby  
15 required to complete a harvest report provided by the MDMR.  
16 Charter boat or head boat captains operating in Mississippi  
17 waters shall be required to complete questionnaires furnished  
18 by the MDMR for each trip. Completed questionnaires shall be  
19 furnished to an information confidentiality officer upon  
20 request.

21 If the commission would so desire that we  
22 continue with that, we go forward with the mandatory reporting  
23 of red snapper, a motion for notice of intent for Title 22 Part  
24 9 to amend Section 100 of Chapter 11 would be required.

25 MR. GOLLOTT: Do you want to put the motion back  
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1 samplers have any reluctance to go to private piers and collect  
2 sampling information?

3 MR. HILL: Our samplers do not have reluctance  
4 to go. It's just that if it's a private access site, we have  
5 not had the authority at the moment to walk into somebody's  
6 back yard when they are landing at a private pier.

7 MR. DRUMMOND: Maybe you ought to think about  
8 putting that on the permit.

9 MR. HILL: We do not have the reluctance to do  
10 it. It's something that we feel that once we get the -- we  
11 feel like the fishermen are understanding that this is the  
12 benefit to them, so we think there's some of these private  
13 marinas that are going to start allowing us access to go in  
14 there for these validation purposes so we can validate these  
15 numbers and to continue to improve on this program.

16 And currently, we are planning on using the  
17 tidelands stock assessment grant that we have applied for to  
18 fund this program, to get it -- the first year will be the most  
19 expensive part of this. And once we get it going, the cost  
20 will be minimal from then on out. But we would use the  
21 tidelands grant to fund it for the time being.

22 MR. GOLLOTT: We have a motion. We have a  
23 second. All those in favor say aye. Opposed? Motion carries  
24 unanimously. Thank you.

25 5. Consideration of Opening Recreational Red Snapper  
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1 up there, the recommendation, not the motion.

2 MR. BOSARGE: And I feel that we need to  
3 continue on with the mandatory reporting, especially most  
4 specifically red snapper.

5 MR. HILL: And I do want to point out that we  
6 are building this system or the future. We are not just going  
7 to build it for red snapper. If other species come, some of  
8 our reef species that have been talked about, we are building  
9 it to where it would be capable of handling these if we had to  
10 have mandatory reporting for these species in the future. But  
11 this regulation now would just deal with the red snapper  
12 mandatory reporting.

13 MR. BOSARGE: I know having to report on the  
14 commercial side, this is very unintrusive compared to what we  
15 had to report which -- but it's good, it gives us what we need.

16 So I don't know if there's any more discussion.

17 MR. GOLLOTT: Do we have a motion?

18 MR. BOSARGE: Yes, sir. I'll make the motion --  
19 if you put it back up there -- Title 22 Part -- make a motion  
20 that we proceed with notice of intent for Title 22.9 to amend  
21 Section 100 of Chapter 11.

22 MR. GOLLOTT: Do we have a second?

23 MR. ZIMMERMAN: I second.

24 MR. GOLLOTT: Any discussion?

25 MR. DRUMMOND: Yes. Matt, do any of you

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1 Season

2 MR. HILL: The next presentation will be the  
3 consideration of opening recreational red snapper season in  
4 state territorial waters of the State of Mississippi.

5 Our NOAA landings to date, and we'll take a  
6 little time on this slide here, the top black line is the  
7 recreational quota. It's at 5.39 million pounds. The broken  
8 green line is our acceptable -- our annual catch target. And  
9 what that represents is a 20 percent buffer. The Gulf Council  
10 voted to enact a 20 percent buffer on the recreational portion  
11 of the red snapper catch, and so it went from 5.39 million  
12 pounds to 4.312 million pounds.

13 The gray shaded bars were the preseason  
14 projections on how the landings, based on the catch rates from  
15 the past years, would work out. And as you see that they do  
16 reach the annual catch target, but they are still at 20 percent  
17 less than the quota.

18 Currently, the projected is the red dotted line.  
19 And you can see during the federal season which is June 1  
20 through June 9, you had the biggest jump right there. And it  
21 has leveled off. The reason it's leveled off is we currently  
22 only have two states that have their state waters currently  
23 open so it's a slow gradual process. But even with those two  
24 states open, you can see we're still not going to even reach  
25 the annual catch target, much less the quota.

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1 The reporting followed the projections, so we  
2 are still quite a ways under the catch target at the moment.

3 I'm going to flip back and forth from this slide  
4 to the next one.

5 Like I said, currently the quota is 5.3 million  
6 pounds. The annual catch target is a little over 4.3 million  
7 pounds. The reported landings to date is 3.31 million pounds.  
8 This represents 77 percent of the annual catch target. It  
9 represents 61 percent of the actual 5.39 million pound quota.  
10 So if we want to go by the target number with the 20 percent  
11 buffer, there's still one million pounds to be landed. If you  
12 want to go by the quota number, there's over two million pounds  
13 to be landed.

14 And we'll go back to this. The reason that --  
15 the federal season is closed right now, and all indications is  
16 that it will remain closed. There have been no talks about it  
17 reopening. The reason that the catch continues to go up is the  
18 states of Texas and Louisiana have kept their state water  
19 seasons open, so they will continue to harvest these fish.

20 Alabama has given no indication on what they are  
21 going to do with it. Florida is the wild card. They change  
22 their mind on a weekly basis. We don't know exactly what  
23 they're going to do, either.

24 But considering this for our fishermen, the  
25 staff's recommendation is to grant the executive director the

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1 authority to open up a supplemental red snapper season in the  
2 territorial waters of the State of Mississippi upon staff  
3 recommendations.

4 MR. GOLLOTT: Do we have a motion on this?

5 MR. BOSARGE: I was going to ask a question.

6 MR. GOLLOTT: We'll get discussion. Do we have  
7 a motion?

8 Okay. I'll make the motion.

9 Do we have a second?

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

11 MR. GOLLOTT: Motion, seconded. Okay. Now for  
12 discussion.

13 MR. BOSARGE: Can you go back to your slide,  
14 Scott, where you have the pounds?

15 And you said it does not include any projected  
16 July landings for Alabama or Mississippi.

17 MR. HILL: I can tell you, we have not put out  
18 -- I know what Alabama's landings are. They've asked me not to  
19 disclose their landings. And I know what our landings are.  
20 And they are minimal. They will not affect these numbers that  
21 you see here.

22 MR. BOSARGE: They will not affect --

23 MR. HILL: They will not affect the -- it's a  
24 very minimal effect.

25 MR. BOSARGE: Because --

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1 MR. HILL: On the reporting as of August 15, the  
2 State of Mississippi and then the July weekend only season  
3 harvested less than 5,000 pounds of red snapper. So when we're  
4 talking about over five million pounds, that's a very minimal  
5 effect. And the State of Alabama was not much more than that.

6 MR. BOSARGE: And Louisiana is open right now?

7 MR. HILL: Correct. And their wording is  
8 they're open indefinitely 365 days a year.

9 MR. DRUMMOND: I would question that 5,000  
10 pounds even in Mississippi.

11 MR. HILL: For the weekend only?

12 MR. DRUMMOND: Yes.

13 MR. GOLLOTT: Mr. Commissioner, do you think it  
14 was more or less?

15 MR. DRUMMOND: Less.

16 MR. HILL: I can agree with that. I'm being --  
17 I want to give the benefit of the doubt to be 5,000.

18 MR. DRUMMOND: Some of those snappers came from  
19 Alabama.

20 MR. HILL: Very few because we actually -- we  
21 took our aerial survey and we flew over Alabama, also, and we  
22 shared information that we saw, and there was very limited  
23 effort in Alabama, also.

24 The numbers that we've come up with between us  
25 and Alabama are well less than 50,000 pounds for that July

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1 weekend only season combined.

2 MR. BOSARGE: Will there be any type of  
3 mandatory reporting if we do a fall season?

4 MR. HILL: We do not have -- we are not prepared  
5 to institute the mandatory reporting in that short of period of  
6 time because what we're looking at now is if we do any type --  
7 if the staff recommends that we would open up, it would just be  
8 for some limited times in the month of October.

9 MR. BOSARGE: And the projected landings, that's  
10 NMFS projections?

11 MR. HILL: That is NMFS projections, the bars.  
12 And that is without us or Alabama or Florida opening their  
13 waters.

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

15 MR. GOLLOTT: This would give the charter boats  
16 to use their off season a chance to probably on the weekends to  
17 make a little money, too; wouldn't it?

18 MR. HILL: The non-federally permitted charter  
19 boats would have the opportunity to do this. The federally  
20 permitted, which we have 46 of them, they would still have to  
21 honor their federal permits which would not allow them to fish  
22 in the state water seasons.

23 MR. GOLLOTT: Okay. We have a motion and a  
24 second. All those in favor say aye. Opposed? Motion carries.

25 MR. JEWELL: Our final action item for your

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1 consideration is state fishing records. Dr. Paul Mickle will  
2 give that presentation.

3 6. New State Saltwater Fishing Records

4 DR. MICKLE: Good morning, Commissioners, Ms.  
5 Chesnut, Executive Director Miller.

6 The new state saltwater fishing records as of  
7 September, conventional tackle first.

8 The speckled hind, Epinephelus drummondhayi,  
9 caught by Timothy Striegel at 5 pounds 8.8 ounces. Picture of  
10 the fish.

11 MR. GOLLOTT: Is that in the grouper family or  
12 drum fish?

13 DR. MICKLE: Drummond fish. Yes.

14 The next is a bluntnose jack, Hemicarax  
15 amblyrhynchus, caught by David Floyd at 10.2 ounces.

16 And unicorn filefish, Aluterus monoceros, caught  
17 by Jimmy Taylor, 1 pound 2.06 ounces.

18 And the last division is the unconventional  
19 tackle which is fly tackle. It's the Atlantic croaker,  
20 Micropogonias undulates, caught by Doug Borries which was 14.9  
21 ounces. Large croaker.

22 MR. DRUMMOND: Mr. Chairman, I make a motion  
23 that we approve these new state records for the fish designated

24 MR. GOLLOTT: Thank you, Commissioner Drummond.  
25 Do we have a second?

1 And again, there's a zoomed in aerial.

2 The applicant is seeking authorization to expand  
3 an existing public boat launch.

4 The existing ramp is 12 feet in width, and the  
5 applicant is proposing 15 feet in width for the new ramp.  
6 There will be 50 cubic yards of dredging for ramp installation  
7 which will impact approximately 36 square feet of submerged  
8 aquatic vegetation known as SAV for short.

9 Two finger piers approximately 35 feet by five  
10 feet over water and 165 liner feet of sheet pile bulkhead going  
11 along the side of the ramp.

12 Here's the site plan of the existing area. You  
13 currently have a concrete ramp in this location that's 12 feet  
14 in width. And then you have a band of submerged aquatic  
15 vegetation that runs along the shoreline.

16 There's an area here that is scoured out due to  
17 boat -- people landing their boats. There are no piers  
18 associated with this ramp. It's not sloped very much. So  
19 people a lot of occasions will pull their boats up into this  
20 area so they can get in their trucks and pull their trailers  
21 down.

22 The proposed improvements you can see is a new  
23 ramp 15 feet in width, two piers, and the area that will be  
24 impacted is this 36 square feet area of submerged aquatic  
25 vegetation. The new piers will go in the location of the scour

1 MR. ZIMMERMAN: Second.

2 MR. GOLLOTT: We have a motion, a second. All  
3 those in favor say aye. Opposed? Motion carries.

4 DR. MICKLE: Thank you.

5 MR. JEWELL: That completes fisheries if there  
6 are no questions.

7 MR. GOLLOTT: Thank you, sir.  
8 Jan Boyd, coastal resource management.

9 G. Office of Coastal Resource Management

10 MR. BOYD: Good morning, Mr. Chairman,  
11 commissioners, Director Miller, Counselors.

12 Office of coastal resource management has three  
13 action items for your consideration this morning. And Greg  
14 Christodoulou will be our first presenter.

15 1. Bureau of Wetlands Permitting

16 a. Hancock County Board of Supervisors

17 MR. CHRISTODOULOU: Good morning. This is  
18 request for permit by the Hancock County Board of Supervisors.  
19 It's located in the Port Bienville Industrial Canal in Hancock  
20 County. It's in the industrial development use district. And  
21 the agent is BMI Environmental.

22 Here's a broad aerial noting the location is the  
23 yellow thumb tack. Here is I-10 actually going over the Pearl  
24 River into Louisiana, Highway 90 through Pearlington into  
25 Louisiana. And here is the area in question.

1 area on the one side and will go up to the edge of the existing  
2 submerged aquatic vegetation on the other side.

3 Here it is kind of just in an aerial format.

4 For impacting the submerged aquatic vegetation,  
5 the applicant is planning to install or create SAV in that  
6 scoured out area adjacent to the pier.

7 So this 36 square feet, they're proposing to  
8 mitigate at a ratio of approximately three to one so it will be  
9 120 square foot area that will be created.

10 In addition, there will be 200 square feet of  
11 mitigation for marsh grass. This is kind of an aside. We are  
12 not recommending this mitigation area for the marsh grass.  
13 This is being done by National Marine Fisheries Service. The  
14 impacts are actually not to a marsh vegetation but actually to  
15 an invasive torpedo grass that we are not asking for mitigation  
16 for but National Marine Fisheries Service is.

17 Here's a photo of the ramp area and the  
18 vegetation in question. It may be a little bit hard to see.  
19 Here is the edge of the ramp and then the area of submerged  
20 aquatic vegetation is just in this area, and then the scoured  
21 area will be over just to the right in that picture.

22 The project will allow for the public to have  
23 improved and safer access to the adjacent waterways.

24 The proposed project is allowable within the  
25 industrial development use district.

1 And the applicant has requested a variance to  
2 the Coastal Program, Chapter 8 Section 2 Part III.0.2 which  
3 states that areas containing submerged aquatic vegetation or  
4 regularly flooded emergent vegetation shall not be filled. And  
5 the applicant has presented justification in these areas. The  
6 impacts to coastal wetlands would be no worse than if the  
7 guidelines were followed because the impacts to SAV have been  
8 minimized through the project design. In kind mitigation has  
9 been proposed to compensate for the impacts to the SAV. And  
10 the project requires a waterfront location and is for a water  
11 dependent activity.

12 The project would set a precedent by allowing  
13 impacts to SAV. We're unaware of any projects that have  
14 impacted submerged aquatic vegetation. The limits that would  
15 be set on this precedent however would be that this project is  
16 not located in coastal wetlands. The definition by the Coastal  
17 Program is that the coastal wetlands are publicly owned  
18 waterbottoms which also includes the flora and fauna on those  
19 waterbottoms. This is in a manmade canal. It is not located  
20 on state owned waterbottoms. But it is adjacent to coastal  
21 wetlands so there could be an indirect impact by removing that  
22 vegetation.

23 The project is also related to the expansion of  
24 a municipal public access site. So it's not for just a private  
25 residential development, it's for a public access site.

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1 Suitable mitigation has been submitted for the  
2 project.

3 And the project will also prevent additional  
4 impacts to the remaining SAV that are at the site. As it is  
5 now, boats are being pulled up on the shoreline that are  
6 damaging the existing vegetation.

7 The project would cause a temporary increase in  
8 turbidity from the dredging and the piling installation and  
9 removal of 36 square feet of submerged aquatic vegetation which  
10 is designated as essential fish habitat by National Marine  
11 Fisheries Service.

12 And the boat launch expansion will also include  
13 a paved parking area in the upland areas.

14 Best management practices will be utilized  
15 during all phases of construction.

16 The applicant previously proposed a 20 foot wide  
17 ramp with more extensive dredging. So they have minimized the  
18 impacts on this project pretty greatly.

19 And the project is being expanded in a direction  
20 which would allow for a lesser impact to the SAV that is at the  
21 area.

22 This project is a proposed expansion of an  
23 existing boat ramp.

24 A boat launch does require a waterfront  
25 location.

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1 And the expansion of the launch will not  
2 decrease the scenic qualities in the area.

3 Public notice was placed in both Sea Coast Echo  
4 and Sun Herald. We received no public comments.

5 DEQ is reviewing the project.

6 Archives & History has no reservations.

7 Secretary of State's Office has stated the  
8 project is not in public trust tidelands.

9 Wildlife, Fisheries & Parks recommended the  
10 following: The ramp be constructed within the existing  
11 footprint. That the pilings and sheet piles are not placed  
12 within the SAV beds and the shading from the piers is minimum.  
13 And best management practices be properly implemented  
14 especially specific to minimizing the turbidity which could  
15 impact the vegetation.

16 And based upon our review, we ask that the  
17 commission approve the applicant's request for the variance and  
18 the issuance of the requested permit contingent on that the  
19 applicant satisfied the submitted mitigation plan and water  
20 quality certification from DEQ.

21 And I'll answer any questions, and the agent is  
22 here if you have any questions.

23 MR. GOLLOTT: Do we have a motion for this  
24 project?

25 MR. ZIMMERMAN: I'll make the motion to accept

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1 the recommendation.

2 MR. GOLLOTT: How about a second?

3 MR. DRUMMOND: I second the motion.

4 MR. GOLLOTT: We have a motion and a second.  
5 Any discussion? Any questions?

6 MR. DRUMMOND: I have a question.

7 Greg, did you say that there was no mitigation  
8 area?

9 MR. CHRISTODOULOU: Yes, sir. There is  
10 mitigation area for it. It's 120 square feet of the submerged  
11 aquatic vegetation.

12 MR. DRUMMOND: I misunderstood you. I thought  
13 you said there wasn't any mitigation.

14 MR. CHRISTODOULOU: No, sir. There will be  
15 mitigation for the project, absolutely.

16 MR. DRUMMOND: Thank you.

17 MR. GOLLOTT: No further questions, all those in  
18 favor say aye. Opposed? Motion carries.

19 And at this point, I think we're going to take  
20 about a 15 minute break.

21 (Off the record.)

22 MR. GOLLOTT: We'd like to resume the meeting at  
23 this time.

24 We're still on resource management, Jan Boyd.

25 b. Chris Jean

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1 MS. BRANTLEY: My name is Willa Brantley. I'm  
2 going to be standing in for both Jennifer Wilder and Chris  
3 Pickering. They are out at training this week.

4 So first I'll be presenting a request for permit  
5 modification by Chris Jean. It's at 209 Sandy Hook Drive in  
6 Pass Christian on St. Louis Bay. It's in the general use  
7 district. And the agent is Lamulle Construction.

8 Project description. They have an access pier  
9 400 feet in length by 6 feet in length. A pier 52 feet by 8  
10 feet. A boat launch 52 feet by 30 feet. And then also in  
11 addition to that they are going to have a graded deck that's 52  
12 feet by 4 feet. The shading not including the access pier and  
13 the graded deck is 1,976 square feet so that's within our 2016  
14 foot precedent set.

15 This is the diagram. We don't have all of the  
16 access pier on there, but it's 400 feet from the shoreline out  
17 to this point. Here's your 30 by 52 foot boathouse that's got  
18 a roof on it. Here's your deck that's 52 by 8 that's solid,  
19 and then on the outside edge of that is 52 by 4 feet. He  
20 wanted it a little bit wider but that would put it over the  
21 2016, so he agreed to make part of that decking so that it  
22 didn't shade more than that 2016.

23 Here is the property location. It's just north  
24 of the bridge across the Bay. It's on Sandy Hook Drive again.

25 This is a picture from the property. This is  
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1 which is next.

2 Public notice appeared in the Sun Herald in  
3 August and September as required. We did receive some public  
4 comments this past week. Neighbors stated that the structure  
5 is very large and out of proportion to others in the area. And  
6 it has increased from the previous application.

7 It is true that it has increased from the  
8 previous application. That's why we're here getting a  
9 modification. I went on Google Earth and looked at historical  
10 aerial photos. It was a little bit hard because so many of the  
11 structures still are in derelict shape. It's just pilings in a  
12 lot of cases. The ones near this, near where Mr. Jean wants to  
13 put his boathouse, range anywhere from 27 feet wide when you're  
14 looking at it from the property up to around 40 feet. His  
15 would be, as I said, 52 feet. There is one further north up  
16 Sandy Hook that appears to have been 70 feet wide at some point  
17 looking from the shoreline, just to give you a little bit of  
18 comparison of what else is going on in the area.

19 They have stated that it will negatively impact  
20 their views.

21 If you look at the map, and I can go back to the  
22 map if you'd like me to before the end of the presentation,  
23 it's not a manmade canal. It looks right out onto the Bay of  
24 St. Louis, so it's a pretty wide panoramic view, so it's not  
25 going to impact -- it's not a big house that's going to block  
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1 typical structures that are in the area right now. A lot of  
2 them are still derelict from Hurricane Katrina.

3 This project does not serve a higher public  
4 purpose. It's for a private homeowner to access the water.

5 It is allowable within the general use district.

6 Similar projects have been approved. No  
7 precedent setting effects are anticipated with this project  
8 because he brought it down under that 2016 square feet by using  
9 grading for that one section of pier.

10 Piling installation may temporarily increase  
11 turbidity in the construction area. There is also a temporary  
12 decrease in benthic organisms. And then the shading of the  
13 terminal structure would result in no more than 1,976 square  
14 feet of waterbottoms being shaded.

15 Best management practices will be utilized  
16 during all phases of construction to minimize impacts.

17 He did not consider any alternative sites. This  
18 is his private residential lot. The project would serve him to  
19 allow access to the water and to dock his boats adjacent to his  
20 property.

21 There are other piers in the area. This project  
22 is not expected to adversely affect natural scenic qualities.

23 We have received some comments from nearby property owners who  
24 feel that it would negatively impact their views. I'm going to  
25 go through those in the comment section of the presentation  
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1 their entire view of the water.

2 One adjacent property owner requested  
3 confirmation that their structure will be ten feet from the  
4 property line.

5 Mr. Jean actually hired George Cole who is a  
6 surveyor and engineer in Florida. And he goes in and he does  
7 surveys of the property lines and takes the laws of the state  
8 and the riparian rights laws and looks at where those riparian  
9 -- littoral rights actually in this case extend out. And these  
10 are the extended lines that George Cole came up with for the  
11 property lines. They don't extend in a straight line  
12 projection from the property line. And that's because the  
13 shoreline is curved in some places so that's why you have to --  
14 it's a lot of math and surveying that you have to do, and  
15 that's what he's done. And based on those property lines, his  
16 structure would be ten feet away, and that will be written into  
17 the permit.

18 They also have stated that the structure may  
19 impact ingress/egress from future piers. From what I  
20 understood from that letter, they don't have a pier at this  
21 time, but they're worried about what they would build in the  
22 future being able to get in and out of there with their boat.

23 All I can say is he will be the required ten  
24 feet off the property line, and they will have the same  
25 requirement once they build a pier.  
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1 One property owner stated that the six foot wide  
2 access pier is more in keeping with commercial structures than  
3 with residential structures. However, we have many, many  
4 residential structures that have six foot wide access piers.  
5 As long as those piers are not over marsh vegetation or SAV,  
6 they can be that wide. And many people do take advantage of  
7 that.

8 There's also a statement that it may negatively  
9 affect property values. And I don't know, I really don't. I  
10 mean, I'm not a professional to evaluate whether it will or  
11 not, but we did get that statement.

12 And again, that's the projection of the property  
13 lines.

14 Department of Archives & History has stated they  
15 have no objections to the project.

16 Department of Wildlife, Fisheries & Parks is  
17 still reviewing the project.

18 And Secretary of State has stated that while the  
19 project is located within public trust tidelands, it will not  
20 require a tidelands lease.

21 So based upon departmental review and  
22 evaluation, staff recommends that the commission approve the  
23 applicant's request. Again, that's based on it is in keeping  
24 with other things that the commission has approved. And it's  
25 not going to set a new precedent. And, you know, if you want

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1 to put any restrictions on it because of the comments we  
2 received you have that opportunity. But we're not recommending  
3 any at this time.

4 MR. GOLLOTT: Willa, will you go back to the  
5 aerial shot and show us where he's planning on putting this?  
6 Is it on the beach or out on a pier, the structure?

7 MS. BRANTLEY: His pier will be 400 feet to the  
8 access pier. And I actually drew it out on Google Earth. They  
9 have a measurement tool, and it's a little bit past those, it  
10 goes out to 400 feet approximately right there, then his  
11 terminal structure will start.

12 It's not significantly longer than other piers  
13 in the area.

14 MR. DRUMMOND: No objections from the neighbors?

15 MS. BRANTLEY: Yeah, we did have those few.

16 And I believe at least one person who lives on  
17 the street, I think she lives two doors down, is here. Some of  
18 the other adjacent property owners may be here, as well.

19 MR. GOLLOTT: Let me get a motion. Do we have a  
20 motion to approve this?

21 MR. ZIMMERMAN: I'll make a motion to approve  
22 it.

23 MR. GOLLOTT: Do we have a second?

24 MR. BOSARGE: Could we hear from the neighbors  
25 first, Richard?

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1 MR. GOLLOTT: Sure, if that's what you all want  
2 to do. Okay.

3 I see a lady in the back raising her hand.

4 MS. DE BARDELEBEN: I'm Nonnie de Bardeleben,  
5 and I live at 205 Sandy Hook Drive. I'm immediately next door,  
6 but I'm one lot away.

7 And the house -- how do you point? That's my  
8 house. And the house next door, the Coltons, they now have a  
9 pier. This is an old picture.

10 And I know y'all are going to approve his permit  
11 application. In my letter, I said that we are not trying to  
12 stop someone to have use of their property and access to the  
13 water. But we have been on that location for 67 years. And I  
14 do think it's a precedent for our neighborhood, I don't know  
15 about others. I know when Willa commented that by Google Earth  
16 she found one that had been something like 700 -- 70. I know  
17 the one she's referring to. But that pier was not 400 feet out  
18 into the Bay.

19 And by the time this pier goes out 400 feet and  
20 they build the boathouse structures and the fishing dock, it's  
21 another 50 something feet out into the Bay, and it will set a  
22 precedent for our neighborhood which I asked my husband, he  
23 grew up there, he knew the longer piers. It was the Andry's  
24 pier, and before that the Zimmerman's was the longest one, and  
25 this one is longer than anything we've ever had.

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1 The main concern, if it was long with a  
2 reasonable size boathouse that didn't stick out another 50  
3 something feet, we probably wouldn't object because we didn't  
4 object to the original application.

5 But it just seems to get bigger and bigger and  
6 bigger. And the square footage at the end of the pier is huge.

7 And if you look at these houses that we have  
8 rebuilt since the storm, they are angled towards the northwest  
9 because they moved the bridge, the Bay St. Louis bridge, 150  
10 feet closer to us. So to not have a direct view of the bridge,  
11 houses are angled into that direction, and it will -- I mean,  
12 I've got trees now that will help with my property. Next door,  
13 their house is relatively new, they don't have any trees, and  
14 they will be looking at this big structure out there in the  
15 water.

16 I just want that to be a part of the record.  
17 Thank you.

18 MR. GOLLOTT: Yes, ma'am. What is your  
19 objection? That it's going too far out in the water, it's too  
20 big, or what?

21 MS. DE BARDELEBEN: Well, if they want to go out  
22 400 feet, I guess that's fine, because I think their original  
23 application was 400 feet which nobody filed an objection to.  
24 It's the increase in the size. I think that I wrote it down  
25 here where the square footage increased over their permit last

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1 year which nobody objected to, it increased -- let's see where  
2 I put the figures -- looks like about 500 square feet. The  
3 structure at the end of the pier is like 500 square feet bigger  
4 than what they applied for last year which we didn't object to.

5 We thought it was big then, but nobody objected.  
6 We wanted to be good neighbors. And I guess we still want to  
7 be good neighbors, but it's just getting bigger and bigger.

8 That's our objection. Basically the length of  
9 the -- the size of the structure at the end of the pier  
10 combined with the 400 feet is real big.

11 MR. GOLLLOTT: Is there a reason for him to go  
12 further out? Is there a channel or something?

13 MS. DE BARDELEBEN: The water 400 feet out is  
14 not going to be any deeper than it is on the end of my pier.  
15 And all of us have had to deal with when they first finished  
16 the bridge and I think I came before DMR a couple of times to  
17 complain about the spoils and the bridge construction, and  
18 there was a mud flat that ran north and south off the end of  
19 our pier, and the only way at that time we could get our boat  
20 in and out was when we came out of our pier we had to angle to  
21 the northwest to avoid the mud flat.

22 And I asked my husband before we came down here,  
23 I said, are you going to have problems getting in and out  
24 because we have to go northwest. We cannot go straight out.  
25 And he said no, he could navigate that. But it's not going to

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1 did want to address you asking about did it have to go out 400  
2 feet.

3 The agent stated that he has a sailboat that he  
4 wants to put at the end of it, a Catamaran sailboat, that needs  
5 four feet of water.

6 MR. JEAN: I'm the owner.

7 MS. BRANTLEY: Oh, okay. Well, then, I'll let  
8 him answer it because that's what the agent told us.

9 MR. JEAN: How you doing? My name is Chris  
10 Jean. I'm the owner of 209 Sandy Hook.

11 And the reason I'm going 400 feet I have a 36  
12 foot Cat boat. And I went out there personally and walked the  
13 water to see what depth I had to be. It's very expensive to go  
14 out 400 feet. If I could go 200, I'd love to go 200. But in  
15 order for me to get my boat in in the wintertime, that water  
16 was out almost 100 feet during the winter. And I like to fish  
17 the marsh. So 400 feet was a distance I needed because of  
18 that.

19 Besides, the reason it got bigger was my son  
20 asked me if I could get another bay boat for him. So since I  
21 was changing the lines by Mr. Cole, I added another pier. So I  
22 have two slips, two jet skis, and then a fishing dock at the  
23 end of it.

24 I'm well within the guidelines. I think the  
25 state -- that's how we determined how big we were going. So

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1 make any difference. I mean, you can walk to the channel in  
2 Bay St. Louis basically, and you don't get deep water until you  
3 get to the channel.

4 So, I mean, you know, the kids boat and ski out  
5 there, and when their sailboat flips over, they're standing up  
6 basically.

7 So I don't know how -- what kind of benefit it  
8 is. And we didn't object to the 400 foot long pier and the  
9 initial application with his boathouse. But now it's just  
10 getting bigger. And we objected to the overall size of what's  
11 happening because it will be a precedent for our neighborhood,  
12 we really do think so.

13 I don't know where the precedent is that she  
14 referred to, but, I mean, it could be anywhere on the coast.  
15 And we haven't seen that in our area. And if you look where  
16 she's pointing out those old piers, the shoreline makes a curve  
17 like this, and those piers are kind of located, if you see the  
18 way they're angled, in the curves. And the lots like she said,  
19 the lots aren't straight, so some of these lots are at  
20 different angles, so the piers have to be at different angles.

21 MR. GOLLLOTT: Thank you, ma'am.

22 I see someone else raising their hand back  
23 there.

24 State your name when you come up.

25 MS. BRANTLEY: Before he makes his comments, I

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1 I'm not trying to be offensive to you guys or the neighbors,  
2 but that's what I need to use, the lot that I bought. And the  
3 reason I bought the lot on the water was to fish and jet ski in  
4 the summertime and build a nice house out there.

5 So I'd ask you to consider allowing me to build  
6 that pier.

7 And the agent that's doing the pier, Mr.  
8 Lamulle, is here if you have any questions for him.

9 MR. GOLLLOTT: Thank you, sir.

10 Sir, did you want to say something?

11 MR. LAMULLE: My name is David Lamulle. I own  
12 Lamulle Construction Company. And I'm Chris's agent.

13 You can see how the property lines don't  
14 continue straight out. Originally in our application, Chris  
15 was doing his best to be a good neighbor to the property owners  
16 on the right-hand side.

17 If you look at the piers that are built out  
18 there right now, if you continue the property lines out, two of  
19 those piers cross the neighbor's property line out in the  
20 water.

21 So if Chris would have followed the property  
22 lines with the original objections, the gentleman two lots over  
23 would not have been able to rebuild his pier because if he  
24 would have followed the property lines out, maybe he would have  
25 been able to go out 50 feet.

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1 So Chris could have followed the original permit  
2 application and went out at the angle of the original property  
3 lines cutting his neighbor off, but he decided not to do it  
4 because he wanted to be a good neighbor.

5 So he, you know, got with the state department,  
6 asked what the best process would be, hired this gentleman from  
7 Tallahassee, Florida, to come all the way here, paid a lot of  
8 money to do the riparian survey to find out where the rights  
9 would be, and he also did all the adjacent property owners so  
10 in the future if they needed to know where the property lines  
11 were, they would know, you know, for their own benefit, at his  
12 own expense just so he wouldn't bother his neighbors.

13 So he would love to build a boathouse closer to  
14 land, but you can't; the way the rules are, wherever you put a  
15 structure, that is where the square foot begins. So if he  
16 would have moved the boathouse a lot closer to the shoreline,  
17 that's where the square foot would have started. So all the  
18 rest of the pier would have been in that 1096 square feet.  
19 That's why it's all the way at the end.

20 So where we're putting it, like he said, it's a  
21 very expensive pier that we're building for him, and he would  
22 love to go 200 feet out, believe me. But the water is about  
23 two feet deep, three feet deep, 200 feet out.

24 So thank you very much.

25 MR. DRUMMOND: Willa, it looks like that pier,

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1 end up dealing with that in the future when those people start  
2 rebuilding those piers.

3 MR. GOLLOTT: Willa, let me put this on our  
4 legal staff over here to get this off our backs.

5 I don't think we can vote this permit down  
6 because the precedent is set. I mean, they're following all  
7 the rules and regulations, and I'll ask Sandy.

8 MS. CHESNUT: That's correct. The project falls  
9 within the established guidelines. Mr. Jean has gone the extra  
10 mile in getting this survey. That's very unusual that a  
11 property owner will go to that extent and that expense to  
12 ensure that his project is not encroaching on the adjacent  
13 property owners.

14 So it's not setting a precedent for our  
15 projects, and that's what we look at.

16 MR. GOLLOTT: We have a motion. Do I have a  
17 second?

18 MR. BOSARGE: I'll second Commissioner  
19 Zimmerman's motion.

20 MR. GOLLOTT: All those in favor say aye.  
21 Opposed? Motion carries. Thank you.

22 MS. BRANTLEY: Thank you.

23 c. Quitman Cates

24 MS. BRANTLEY: This is actually a violation and  
25 after-the-fact permit request by Quitman Cates, Jr., located at

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1 the topmost one, is on that other guy's property.

2 MS. BRANTLEY: This one?

3 MR. DRUMMOND: No. His.

4 MS. BRANTLEY: This one?

5 MR. DRUMMOND: Yeah, the top one.

6 MS. BRANTLEY: Well, that's why he had George  
7 Cole come in and do the property line extensions based on the  
8 actual -- it's based on 750 yards out. It's based on the width  
9 of your property and the angle of your property lines. There's  
10 a whole huge math exercise that goes into this. And this is  
11 based on our state laws what his extension of his property  
12 lines would be.

13 Like he said, if he extended it straight out  
14 this way, and then these people's property lines extended out,  
15 one of these people would get cut off into just a little  
16 triangle. So that's why the laws are based on 750 yards out so  
17 if he actually had all of those extensions on there, each one  
18 of those people, instead of getting just a little triangle that  
19 cut him off three or three fifty feet from the shoreline, his  
20 actually extends out maybe a little bit narrower.

21 MR. DRUMMOND: The top pier looks like it's on  
22 the adjacent property, too.

23 MS. BRANTLEY: There definitely could be some  
24 problems with those piers up there if you overlay Mr. Cole's  
25 extensions of the property lines as they should be. And we may

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1 LaFrance Marina which is adjacent to Campbell Inside Bayou in  
2 Ansley in Hancock County. It's in a commercial fishing and  
3 recreational marinas district. And the agent is Compton  
4 Engineering.

5 This is the aerial photo. This is the marina.  
6 You can see there's a manmade canal coming in here, curves over  
7 to the west, and then there's one here that runs off. This is  
8 Campbell Inside Bayou. So these canals are not actually  
9 coastal wetlands. They're not public trust tidelands. But  
10 this area directly adjacent is.

11 This is a zoomed out view. You can see this is  
12 Ansley up here and Campbell Inside Bayou here. This is the  
13 location of the marina.

14 Mr. Cates constructed some bulkhead without a  
15 permit. Three hundred twenty-one linear feet was in the same  
16 footprint along the manmade canals as the existing bulkhead.  
17 He also constructed 282 linear feet of bulkhead which he  
18 constructed not at the current line of mean high tide but 20  
19 feet waterward of that out into the manmade canal. So he's  
20 asking for after-the-fact approval for the 321 feet that was in  
21 the same footprint, as well as removing the 282 feet that was  
22 20 feet out and putting it back at the current line of mean  
23 high tide.

24 He also dredged approximately 330 cubic yards,  
25 some within the manmade canals and some within public trust

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1 tidelands. He's asking for after-the-fact authorization for  
2 that, as well.

3           The red areas are the areas where he maintenance  
4 dredged. You can see most of it is up within the canals. A  
5 little bit was out in the bayou in public trust tidelands. The  
6 blue right here is one section of bulkhead. He did put that at  
7 the current mean high tide in the footprint of the old  
8 bulkhead. This is the footprint, the blue section that's on  
9 the left is the footprint of the old bulkhead. And this is  
10 where he put it out 20 feet so he's asking to pull that back  
11 and put it in the proper place, and then he replaced some  
12 bulkhead down here, as well.

13           He also had some wetlands. The yellow areas was  
14 delineated as wetland. The dredge material had been placed  
15 somewhat in those wetland areas. But he has already pulled  
16 that out. And there was some debris that he cleaned out of the  
17 canals. He's removed all of that fill and debris, and he's put  
18 up erosion control. So that part is already taken care of.

19           This is a picture of the site. This is the part  
20 where he built the bulkhead out approximately 20 feet. You can  
21 see it's not a straight shoreline over here any more where he  
22 pulled out the old one. But it's approximately 20 feet out.  
23 And he planned to fill this area. Some of this fill has eroded  
24 in there, and we're going to recommend that he has to remove  
25 that when he pulls the bulkhead out. But he didn't purposely

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1           The maintenance dredging will make a larger  
2 portion of the marina area accessible to boat traffic.

3           It is allowable within the commercial fishing  
4 and recreational marinas district.

5           Similar projects have been approved. We don't  
6 expect this to set any precedent.

7           The maintenance dredging meets the requirements  
8 of a general permit. Therefore, it's likely that it had a  
9 minor impact if any on the adjacent coastal wetlands.

10           The bulkhead construction where he has to pull  
11 out the old one and put it back in the proper place may  
12 temporarily increase turbidity in the area and may result in a  
13 temporary decrease in number of benthic organisms.

14           Best management practices will be utilized  
15 during all phases of construction.

16           And at one point in the process, he was asking  
17 to be allowed to keep that bulkhead where it was out the 20  
18 feet and fill and make the canal narrower. Based on our  
19 comments and mostly comments from DEQ about water quality, he's  
20 taken that out so he has avoided some impacts by doing that.

21           No alternative sites were considered because  
22 it's a maintenance project.

23           The project would not adversely affect the  
24 natural scenic qualities. There are manmade canals and  
25 bulkheads in the project vicinity already, and it does operate

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1 place fill in there.

2           This is the other side where he replaced the  
3 bulkhead in the same footprint. I believe this is some of the  
4 dredge material that he placed just off the picture was where  
5 the wetland was where it was encroaching in the wetland. But  
6 as I said, he's cleaned that out already. And that's just  
7 another view of where he picked up the dredge material.

8           So on April 3rd of 2014, DMR marine patrol  
9 reported that a bulkhead was being constructed without a  
10 permit. The same day site visit confirmed that dredging and  
11 bulkhead construction had been conducted without a permit. Mr.  
12 Cates was informed of the violation and informed what he would  
13 have to do to get after-the-fact authorization and any  
14 authorization for any further work.

15           He was told -- he was issued a cease and desist  
16 on that date.

17           And on July 2nd of 2014 we finally received the  
18 after-the-fact complete application.

19           So to get to the decision factors, the public  
20 will have access to the marina for boat launching, storage, and  
21 to the related bait store. I don't think it operates as a  
22 traditional marina. He has some dry storage there, and you can  
23 pull boats up to buy bait at the store, that's at the store.  
24 But he doesn't have slips at this time as far as we could  
25 determine that he rents out to people.

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1 as a bait store and access area.

2           Went out on public notice in the Sun Herald and  
3 the Sea Coast Echo as required. Again, when he was -- at this  
4 time, he was asking to make that canal narrower. He was  
5 wanting to take it from 85 feet to approximately 50 feet, maybe  
6 52. DEQ recommended that it not include that narrowing because  
7 of impacts that they felt would happen to -- negative impacts  
8 that would happen to water quality. Their construction  
9 criteria for new canals requires a bottom width of at least 100  
10 feet, so they felt like it's okay for him to maintain this  
11 canal and do maintenance dredging at the 85 feet, but they did  
12 not want to see him make it any narrower. And that's one of  
13 the main reasons he changed his project.

14           Archives & History has no objections.

15           Secretary of State stated that project is  
16 located within Hancock County coastal preserves area, and they  
17 recommend that all necessary measures be taken to avoid adverse  
18 impacts to the marsh and the ecosystem.

19           Wildlife, Fisheries & Parks recommends best  
20 management practices.

21           Based upon departmental review and evaluation,  
22 our recommendation for the commission is that they approve the  
23 unauthorized maintenance dredging, approve the unauthorized 321  
24 linear feet of bulkhead that was constructed in the same  
25 footprint as the existing, and approve the replacement of the

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1 282 linear feet of bulkhead that's currently waterward of mean  
2 high tide. He's asking to move that back. We recommend  
3 approval of that because if he does that, all of those things  
4 will meet the general permit guidelines.

5 We do recommend that that 282 foot linear feet  
6 of bulkhead that we write that in as a requirement that he  
7 remove that and that he remove the pilings from the canal  
8 completely or cut them off at the mud line at the minimum.

9 We recommend that we require removal of any fill  
10 that has run into that canal and that it must be contained in  
11 onsite uplands or taken to an approved offsite location.

12 We also recommend a fine in accordance with  
13 Mississippi Code 49-27-51 for the dredging and bulkhead  
14 construction without authorization.

15 And we recommend that the bulkhead or pilings be  
16 removed within 90 days and the fill, or that we forward the  
17 matter to the Attorney General's Office for further enforcement  
18 action.

19 This is the potential penalty range for Mr.  
20 Cates. The violation was discovered on April 3, 2014, had a  
21 duration of 90 days until we got the after-the-fact  
22 application. Maximum potential fine because it is commercial,  
23 it's based on \$10,000 a day, so that's \$900,000 with a minimum  
24 fine of fifty.

25 The recommended fine is \$2,500.

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1 Our decision factors that went into that  
2 recommendation are that Mr. Cates called our office and  
3 requested an application packet and asked questions about the  
4 application and permit issuance process. We mailed him an  
5 application. And he went ahead and did the project without  
6 mailing that application in. So he knew a permit was required  
7 to do the work. He started without turning in that  
8 application. And then the Hancock County Justice Court has  
9 already fined Mr. Cates \$100 for a citation that marine patrol  
10 issued to him for wetland fill without a permit. And we would  
11 like to recognize Scott Anderson for taking that initiative in  
12 getting that citation issued and the fine in the Hancock County  
13 Justice Court.

14 If you have any questions, I'll be happy to  
15 answer them.

16 MR. GOLLOTT: Is Mr. Cates here?

17 MS. BRANTLEY: I have not seen him. Oh, Lisa  
18 Morrison with Compton Engineering is here, if you have any  
19 questions for her.

20 MR. GOLLOTT: I do. Why -- you know, you're  
21 looking at pulling this bulkhead up that's probably going to  
22 run this man I'm guessing around \$300,000, why don't he try to  
23 mitigate it to fill it in instead of pulling it up?

24 MS. BRANTLEY: That would be very difficult. It  
25 doesn't meet our guidelines for regulated activities for

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1 construction of new manmade canals if you made it narrower.  
2 And it doesn't meet DEQ's guidelines for construction of new  
3 canals.

4 It just doesn't meet the guidelines. I don't  
5 think that there's any way that he could do it that DEQ would  
6 issue water quality certification for it. And if they don't  
7 approve the project, we can't issue a permit.

8 We've never allowed anyone to make a manmade  
9 canal narrower. It would set a precedent.

10 I had that in the presentation.

11 MR. GOLLOTT: That canal is a manmade canal?

12 MS. BRANTLEY: It's a manmade canal, but it's a  
13 manmade canal off of coastal wetlands, and we have guidelines  
14 for the construction of those. And if he narrowed it, it would  
15 not meet the -- actually, right now it doesn't meet those  
16 guidelines. We would not allow that canal to be constructed  
17 the way it currently is if he applied for it right now, much  
18 less would we allow him to make it narrower. And neither would  
19 DEQ.

20 MR. BOSARGE: When he moves that bulkhead back,  
21 because it's a manmade canal, because of the high tide mark, is  
22 he going to be able to put a straight bulkhead in?

23 MS. BRANTLEY: Yes. There was a straight  
24 bulkhead there previously. It's not straight now because he  
25 pulled out the old one and it kind of fell in where it was.

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1 But there was a straight bulkhead there previously.

2 MS. MORRISON: I'm Lisa Morrison with Compton  
3 Engineering.

4 The reason he put the bulkhead where he did is  
5 the area used to be a marina with some boat slips, and it was  
6 damaged in Hurricane Katrina. So there's debris where that  
7 fill is sliding in. There's debris from a previous covered  
8 boat slip marina.

9 So he was looking at the cost of removing all of  
10 that or just moving over the 20 feet and filling in behind it.

11 So we have evaluated whether or not he could  
12 leave the canal the 20 feet narrower and connect it to make the  
13 canal -- put a bridge in or something so it would have  
14 circulation. I don't think that's cost effective, either.

15 And if DEQ is not willing to permit any kind of  
16 narrowing of that, then his only option is to pull that  
17 bulkhead out. So he would like to leave it, but...

18 MR. GOLLOTT: Help me out here. What is DEQ  
19 certifying water quality? I mean, I don't understand. It's a  
20 manmade canal that water flows in and out.

21 MS. MORRISON: And we have a feeling that  
22 because it is at the top of that in a big curve of Campbell  
23 Inside Bayou that he would get some washing in and out. He'd  
24 get some circulation in there because of where the --

25 MS. BRANTLEY: Let me answer that question about

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1 DEQ.  
 2 Their job in the review of federal permits which  
 3 this would also have to have a federal permit, we review  
 4 projects for coastal zone consistency, consistency with our  
 5 Mississippi Coastal Program and its guidelines and rules, DEQ  
 6 reviews projects for water quality and the effect that a  
 7 project would have on water quality.

8 And when you have a canal that is directly  
 9 connected to a natural waterbody, if this becomes stagnant and  
 10 this gets low DO or gets any kind of other pollution problems,  
 11 it's going to come right out here into this area and it's going  
 12 to affect those areas, as well. It's going to affect this  
 13 marsh that's in the area. It's going to affect all of the fish  
 14 and wildlife that try to utilize that.

15 So they have to show that this impact in this  
 16 manmade canal would not negatively influence the water quality  
 17 in this section at all. And they do not believe -- they do  
 18 believe that it would have a detrimental impact on that water  
 19 quality.

20 MR. GOLLOTT: Okay. Thank you.  
 21 Do we have a motion?

22 MR. BOSARGE: I'll make a motion that we accept  
 23 staff's recommendation, but as far as the fine goes, I know  
 24 that he might have asked you for permission and didn't get it,  
 25 but he's going to spend a lot of money, reduce his fine to

1 Two months into Fiscal Year 2015, we're in good  
 2 shape from a budget standpoint. We have 93 percent of the  
 3 budget remaining on operating funds and tidelands at 97 percent  
 4 remaining.

5 Questions? Comments? Very good.  
 6 Turn it over to Sonja now to talk quickly about  
 7 tidelands.

8 2. Tidelands Fund  
 9 MS. SLATER: I just wanted to take a minute to  
 10 go over FY15 and FY16 projections.

11 Tidelands 2015, we received \$9.7 million in  
 12 tideland funding. We had 28 managed projects awarded, 14 were  
 13 external and 14 were DMR internal projects, to the tune of \$3.7  
 14 million in managed projects.

15 For our public access projects, we had 28 public  
 16 access projects awarded, seven in Jackson County, 15 in  
 17 Harrison County, and six in Hancock County, to the tune of \$5.2  
 18 million.

19 We had to pay our bond payment of \$850 million  
 20 -- excuse me -- a hundred fifty thousand. I'm sorry.

21 Our FY16 projections, we have received a total  
 22 of \$28 million requested funding with 80 managed projects  
 23 requested. Sixty of them are external, and 20 were MDMR, to  
 24 the tune of fifteen million requested in funding for managed  
 25 projected.

1 \$1,000.

2 MR. GOLLOTT: Do we have a second?

3 MR. ZIMMERMAN: I'll second.

4 MR. GOLLOTT: We have a motion and a second.  
 5 Any more discussion? All those in favor say aye. Opposed?  
 6 Motion carries.

7 Thank you.  
 8 MS. BRANTLEY: Thank you.  
 9 MR. GOLLOTT: Okay. Finance is next.

10 H. Office of Finance and Administration  
 11 1. FY15 Monthly Report

12 MR. FEIDT: Good morning. Try to keep it short  
 13 and sweet.

14 Sonja Slater will have a quick update on the  
 15 tidelands program after I run through the results as of the end  
 16 of August.

17 At the end of August, we had state revenue of  
 18 \$3.2 million. Total agency revenue, \$3.5 million.

19 I will note that due to issues with the Magic  
 20 conversion, we have not received our state appropriation yet.  
 21 They're aware of it in Jackson and hopefully will get it  
 22 resolved soon. It's about \$600,000.

23 State net income is \$1.9 million. And the  
 24 operating funds have a net of \$1.7 million.

25 Any questions on this?

1 Public access had 40 projects submitted, 14 from  
 2 Jackson County, 19 from Harrison County, six from Hancock, and  
 3 one tri-county project, to the tune of \$12.8 million in public  
 4 access projects requested.

5 And the bond payment request of nine hundred  
 6 thousand.

7 Our FY17 schedule for tidelands requests. May  
 8 of 2015 is when we will start requesting our proposals for  
 9 FY17. July 2 of FY15 will be the deadline for the proposals.  
 10 Between July and August, we'll have a compliance review.

11 September to October, we'll have our merit review. In November  
 12 is when the recommendations will be made to the CMR with the  
 13 approved ranks from the proposals of the merit committee. In  
 14 December, we will present it to the legislative forum. In  
 15 January, the projects will be forwarded to the legislature. In  
 16 April, we will receive the appropriations. In November is when  
 17 we get the check from the Secretary of Sate's Office. And then  
 18 from November and December is when we actually award the  
 19 projects.

20 Do you have any questions?

21 MR. DRUMMOND: Sonja, why does Harrison County  
 22 get all the damn money all the time?

23 MS. SLATER: I really don't have an answer for  
 24 that other than they obviously have some good legislation up  
 25 there and they like their projects.

1 We don't have any say so over public access  
 2 projects.  
 3 MR. GOLLOTT: Le me help you, Sonja. How many  
 4 casinos are in Jackson County?  
 5 Thank you very much.  
 6 MR. DRUMMOND: What's that got to do with it?  
 7 MR. GOLLOTT: Melissa.  
 8 J. Directorate  
 9 1. Public Affairs  
 10 MS. SCALLAN: Good morning, Commissioners,  
 11 Director Miller, Sandy and Sean.  
 12 The Mississippi Department of Marine Resources  
 13 was mentioned 35 times in newspapers and on radio and TV  
 14 stations across the region since the last commission meeting.  
 15 The biggest thing that we got media play on was  
 16 our effort to reduce boating accidents and BUIs for Labor Day  
 17 and beyond that.  
 18 This past weekend, we participated in the Biloxi  
 19 Seafood Festival at Point Cadet. It was very successful. Chef  
 20 Danny Rodriguez had cooking demonstrations, and we had  
 21 employees doing filleted fish that she cooked and we had marine  
 22 patrol had a boat out there that kids got to look at the boat  
 23 and see safety demonstrations. So we had quite a few employees  
 24 who participated in that.  
 25 Our next event is going to be the Gulfport

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COMMISSION ON MARINE RESOURCES

COURT REPORTER'S CERTIFICATE

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 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 94 pages constitute a true and  
 10 correct transcription of said meeting held on the 16th day of  
 11 September 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 October  
 17 2014.  
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 NORMA JEAN LADNER SOROE, CSR #1297  
 Certified Shorthand Reporter

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1 Angler Fest which will be September 26 and 27. This is a first  
 2 for the Gulfport -- first year for the festival. It focuses on  
 3 the city's maritime origins and will feature a wooden boat show  
 4 and arts and crafts.  
 5 Also on September 27, the CCA is having a kids  
 6 fishing rodeo in Pascagoula. Shelby, that's in Jackson County  
 7 so just for you. It is free. It's from 8:00 to noon. And so  
 8 you're invited to bring children out there to learn how to  
 9 catch some fish.  
 10 We're also getting ready for coastal cleanup  
 11 which will happen on Saturday, October 18, from 8:00 to 11:00.  
 12 We have 52 sites across the coast and volunteers can register  
 13 at mscoastalcleanup.org. So we encourage you to do that.  
 14 Any questions?  
 15 MR. GOLLOTT: Thank you, Melissa.  
 16 Do we have any other business? I don't see any  
 17 cards filled out for public comments, so apparently we don't  
 18 have any unless someone wants to hold their hand up.  
 19 With that said, do we have a motion to adjourn?  
 20 MR. DRUMMOND: I make a motion we adjourn, Mr.  
 21 Chairman.  
 22 MR. GOLLOTT: Second?  
 23 MR. ZIMMERMAN: Second.  
 24 MR. GOLLOTT: All those in favor. Meeting is  
 25 adjourned. (Meeting adjourned 11:40 a.m.)

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