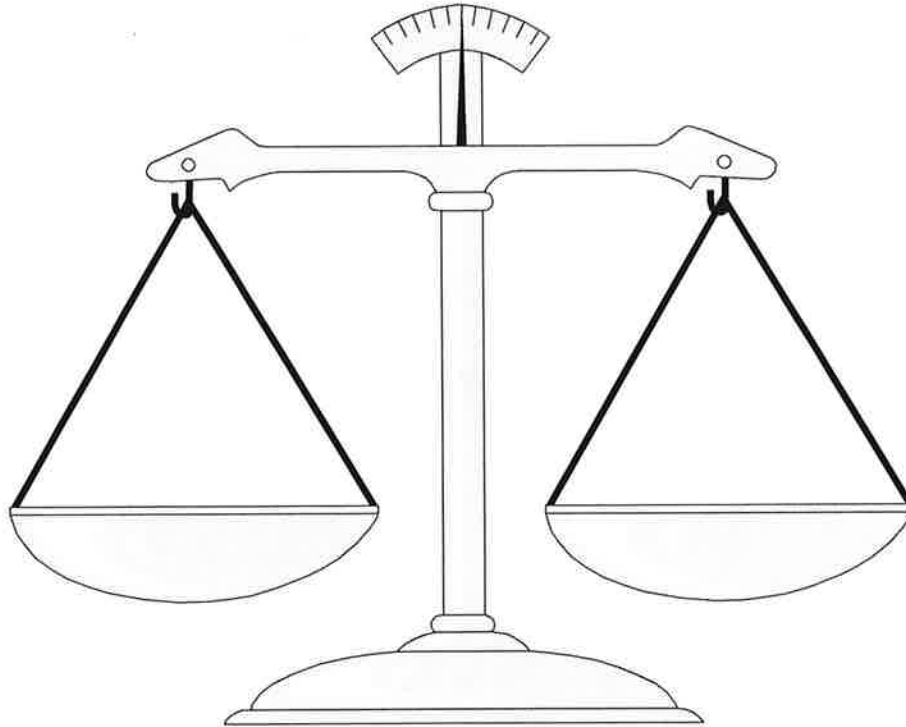


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COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

September 17, 2013

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

1 MR. BOSARGE: So second.
2 MR. TAYLOR: All those in favor.
3 E. Executive Director's Report
4 MR. TAYLOR: Next up we have the executive
5 director's report.
6 MR. MILLER: Thank you, Chairman Taylor. I've
7 just got a few items I wanted to note.
8 First is reminder to everyone that our October
9 CMR meeting will be held in Jackson County at the NERR, and
10 we'll be making some public notices and releases available for
11 directions and times coming up in October.
12 Two, want to remind everybody that we have --
13 based on some requests, we've extended our public comment
14 period until September 30 regarding Mississippi Development
15 Authority's request to receive coastal zone consistency for lot
16 leasing and seismic activity. So we've extended that for an
17 additional two weeks to receive comments.
18 Third, I wanted to mention because he won't be
19 here in the October meeting, but Dale Diaz has announced his
20 retirement. Dale is going to be at a Gulf States Marine
21 Fisheries commission meeting in October, and just wanted to
22 give y'all a chance and everyone a chance to say thank you.
23 We'll say more thanks to you, Dale, in weeks to come, but
24 wanted to recognize you today for 26 years of service to the
25 agency.

1 A. Call to Order
2 MR. TAYLOR: Good morning. I want to welcome
3 y'all to the September meeting of the Commission on Marine
4 Resources. I welcome y'all. There will be one change on the
5 agenda. We're moving public -- because of the length of some
6 of the ecological things we have and presentation, we're going
7 to move the public comments to last on the agenda. And if any
8 of y'all want to speak, please go to the rear and fill out one
9 of those forms and give it to Ms. Leirer, Jennifer, or one of
10 our people, and we'll be glad to let you speak there.
11 B. Approval of Minutes
12 MR. TAYLOR: So without further ado, we have the
13 minutes. Is there a motion to approve the minutes from the
14 August 20 meeting?
15 MR. DRUMMOND: So moved, Mr. Chairman.
16 MR. TAYLOR: Is there a second?
17 MR. GOLLOTT: Second, Mr. Chairman.
18 MR. TAYLOR: All in favor. Okay.
19 C. Approval of Agenda
20 MR. TAYLOR: Number 2, approval of the agenda.
21 Are there any changes to the agenda other than what I
22 announced?
23 MR. GOLLOTT: Mr. Chairman, I make a motion that
24 we approve the agenda as amended.
25 MR. TAYLOR: Do I have a second?

1 Another staff person I want to recognize is Roy
2 Lipscomb. Roy has been on tour in Afghanistan, a long tour in
3 Afghanistan. I believe he's a sergeant in the Mississippi Army
4 National Guard. Roy came back and joined us in August. Roy,
5 if you want to stand up, I'd just like to give you a hand.
6 (Applause.)
7 MR. MILLER: Glad you're back safe.
8 And then another just brief announcement, and I
9 didn't let these guys know I was going to do it right here, but
10 I'd like for some of the marine patrol to step forward and show
11 the new uniform. We had talked about putting together a new
12 uniform, and we had a committee put together with marine
13 patrol, and this is what they've come up with. So I wanted to
14 make sure that if you see these guys in these new uniforms,
15 they may look a little different, but we think they came out
16 pretty good.
17 MR. PITTMAN: On the right side is Officer
18 Casovich. And he's got the Class A uniform on which when he
19 goes to curt he will have trousers on like I'm wearing. But
20 the officer can wear that uniform while he's in the boat.
21 And on the left side, we've got the boat
22 uniform. And Officer Strickland is in it with the polo shirt
23 and the 511 or proper pants, navy blue.
24 We went back to the gray and blue that we came
25 over here in in 1999. We let the officers decide. We had a

1 committee that came up and drew up the patch. Officer Casovich
2 drew the patch up. And we presented it to all the officers,
3 and they voted on it, and that's what they wanted to go back
4 to, the gray and blue.

5 MR. MILLER: Thank you, Rusty. Thank you Matt
6 and Mike.

7 That's all I have.

8 MR. TAYLOR: I want to make a comment about next
9 month's meeting. And, Jamie, I don't know if you need to do
10 this or someone. It would be nice after the meeting if there
11 were maybe -- I know they have tours and stuff, because many
12 people have not been there, including myself, and if we have
13 time if the meeting is not too long and for some of the people
14 y'all, that are coming to the meeting to make comments, it
15 might be a good time to take a tour of the place. So if we
16 could set something up maybe to do that, I think it would be
17 good.

18 Okay. Next up is office of marine parole (sic).
19 Rusty.

20 F. Office of Marine Patrol

21 MR. PITTMAN: Good morning, Mr. Chairman,
22 commissioners, Director Miller, Ms. Chesnut.

23 You have the report in front of you. There's a
24 few, couple of items I want to mention on it. And as you can
25 see, we did make a couple of cases of commercial crabbing north

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1 of the CSX railroad bridge.

2 We also had the crabbing at night case.

3 The saltwater fishing license citations were
4 down a little bit. Whether that was due to the the weather, I
5 have no idea, but that did drop a little bit. I think we had a
6 total of 32.

7 We did have some undersized fish, spotted
8 seatrout, red drum, citations issued.

9 And on the back you have -- on Page 3, excuse
10 me, on Number 56, we had illegal possession of red snapper.
11 That was a commercial shrimp boat that came in and had some red
12 snapper on board mixed in with the shrimp that our officers
13 found.

14 One thing -- another thing I want to mention on
15 Page 4, negligent operations. We're starting to see -- we've
16 made two cases this year on it this past month, I believe,
17 they're calling it transom skiing. That's where a person gets
18 overboard, grabs onto the transom of the boat, and the operator
19 of the boat gets on a plane and tries to let him barefoot,
20 which means he's right there by the motor. So a couple of
21 those cases for negligent operation were made.

22 We have one boating accident with injury.
23 Boating accidents without injury, we had one.

24 No dive report. We do -- next month you will
25 have a dive report, but not in August.

6

1 And then on our JEA totals, we had 12 patrols,
2 128 man hours, 254 contacts, made four enforcement action
3 reports, and three state issued citations.

4 MR. TAYLOR: Any questions? Thank you, Rusty.

5 MR. PITTMAN: Thank you very much.

6 MR. TAYLOR: I want to back up just a minute to
7 the next month's meeting. If we could get someone from the
8 staff to maybe go upstairs and print maybe a map how to get
9 there because a lot of people, even like myself, don't know how
10 to get there. Maybe we could print 10 or 20 of them or
11 something, you know, Google it or whatever, and get it before
12 the meeting is over, which will be a while.

13 Next up marine fisheries, Dale Diaz. And
14 welcome back. We haven't seen you in a while.

15 G. Office of Marine Fisheries

16 MR. DIAZ: I have been off, away from the
17 commission meetings for a few months.

18 Good morning, Mr. Chairman, commissioners,
19 Director Miller, Ms. Chesnut. Being that Director Miller
20 mentioned that I'll be retiring, I did want to mention that
21 October 31 will be my last day. It just feels like the time is
22 right for me to make a change. I'm starting to dust off my rod
23 and reels and tune up the motor and stuff like that.

24 But I have to take a few minutes to try to thank
25 some people that have been good examples to me throughout my

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1 career.

2 I would like to start with Director Miller.
3 Since Director Miller has been here, he has been a good example
4 for me. He's got a work ethic you just would not believe, and
5 he's doing everything he can do to put this agency on a good
6 path. And I really appreciate that, Director Miller.

7 Also want to brag on the fisheries, the marine
8 fisheries, staff. In my job, I get to work with scientists
9 from across the Gulf Coast and throughout the country. And I
10 can tell you that we have scientists right here in the
11 Department of Marine Resources that is good or better than
12 anywhere else that I go. So the staff here is first class.
13 They've got good attitude. They work hard, and I'm very proud
14 of the things that we've been able to accomplish together.

15 When I think about the staff and how hard they
16 work, I can't help but think back after Katrina. You know, we
17 come back after the storm to nothing, absolutely nothing. And,
18 you know, this staff was able to cobble together what we needed
19 to get out and start doing water quality checks and start doing
20 our samples of our marine resources and start doing our job.
21 And in short order, we was able to start helping, you know, the
22 community and the fishermen, and that's because the hard work
23 and the dedication of the staff. And I really appreciate that.
24 And like I say, I can't say enough good about the marine
25 fisheries staff and all the people at DMR, but especially the

8

1 people that have reported to me over the years.
 2 And I would like to thank you, commissioners,
 3 because a lot of the successes that we have had in doing good
 4 things for our marine resources and helping our public, y'all
 5 have guided the way and y'all have supported the things that we
 6 needed to do. And I know a lot of people don't realize that
 7 y'all are -- y'all volunteer for these appointments and you put
 8 a lot of time in and you're dedicated, and I thank you for all
 9 your support over the years.

10 And that's enough of that. I just wish
 11 everybody success in the future.

12 Before we get to the fisheries presentations,
 13 I'd like to talk about a few things that's not on the agenda.

14 One, the commercial quota update. For flounder,
 15 we have a total allowable catch for the year of 74,000 pounds.
 16 To date, the commercial fishermen have harvested 12,550 pounds.
 17 For redfish, the total allowable catch is 35,000 pounds for the
 18 year. And to date, we've harvested 25,531 pounds. For
 19 speckled trout, the total allowable catch is 50,000 pounds. We
 20 did close speckled trout in the month of August, and the final
 21 numbers for this year's commercial speckled trout season is
 22 51,247 pounds. So we went over slightly. But considering
 23 we're trying to track something that's a moving target, I think
 24 that's better than we have done in the past. And we do have a
 25 new system to track that where we project what the landings is

1 area. And it reads:

2 We, the undersigned, do petition the Department
 3 of Marine Resources and its commissioners to create more
 4 fishing reefs in the western area of the Mississippi Sound,
 5 primarily the Cat Island area to relieve the overcrowding by
 6 fishermen that now exists. Many Mississippi fishermen go to
 7 Louisiana to fish and spend their fishing dollars in that state
 8 due to this overcrowding. But they and many of the out of
 9 state fishermen and tourists would rather spend their money in
 10 Mississippi. Your prompt attention to this matter would be
 11 greatly appreciated.

12 So I have talked to Mr. Taylor who is one of the
 13 ones that's spearheading this petition. And he is here today
 14 if the commission wants to hear from him.

15 We have talked about this inhouse, and we love
 16 getting public input from people. So this is the exact thing
 17 that we like to hear from folks.

18 We are looking into some options and some things
 19 we could do in the western Sound. We already have a good many
 20 reefs over there. From Gulfport harbor to the Louisiana line,
 21 in just nearshore reefs, we have 25 reefs. And what they would
 22 like to see is some reefs further offshore closer to the
 23 island.

24 So I asked Mr. Taylor if he'd stick around after
 25 the meeting and maybe talk to us a little bit more about what

1 going to be, and that's helped us with that. And we'll
 2 continue that into the future.

3 The next thing I want to mention is that there
 4 will be a recreational red sapper season this year. The
 5 supplemental fall recreational season, fishing season, for red
 6 snapper will open in Mississippi territorial waters on October
 7 1 at 12:01 a.m. with a two fish bag limit and a 16 inch size
 8 limit. The season is set to run for 14 consecutive days. So
 9 October 1 through October 14.

10 MR. TAYLOR: Dale, you mentioned federal waters,
 11 too.

12 MR. DIAZ: It will be in Mississippi state and
 13 federal waters. So thank you for that clarification.

14 And the last thing I have before we get to the
 15 fisheries agenda is we received a petition about a week ago
 16 from some fishermen in the western part of the state. And if
 17 y'all would indulge me, I'd like to read it.

18 The petition that I have in front of me has 183
 19 signatures. And I understand Mr. Alan Taylor may have given
 20 Commissioner Gollott another one this morning that had another
 21 20 or so signatures. So roughly 200 signatures so far
 22 supporting this idea.

23 And this was addressed to the Mississippi
 24 Department of Marine Resources and its commissioners. And the
 25 subject is shallow water fishing reefs in and around Cat Island

1 him and some of his other folks are thinking. And, like I say,
 2 we have had some inhouse discussions on how we could work with
 3 this group to accomplisih that.

4 We do have material on our staging site. We
 5 have some funding to put some reefs out. It's something we're
 6 going to be doing anyway. So public comment is a very good
 7 thing, and naturally any comment we could get from the
 8 commission would be helpful, also.

9 MR. TAYLOR: You can add my signature to the
 10 petition.

11 MR. DIAZ: Okay.

12 I do know Mr. Taylor was going to say a few
 13 things. I don't know if you want him to wait until public
 14 comments or you'd like him to speak now.

15 MR. TAYLOR: Go ahead, since you brought the
 16 subject up, we're going to go ahead and have him. So Alan.

17 MR. ALAN TAYLOR: Alan Taylor. I'm retired.
 18 And one of my favorite activities as a retired individual is to
 19 go fishing. And I primarily fish on the western side of the
 20 state.

21 And we fish quite a bit at Cat Island or Pass
 22 Marianne Light.

23 But you go over there and look, you have to get
 24 a traffic cop to get you a position around the Pass Marianne
 25 Light or any of the other reefs in that area.

1 It is very much overcrowded. And we'd
2 appreciate your consideration of our request.

3 Thank you.

4 MR. TAYLOR: Thank you, Alan.

5 MR. DIAZ: Thank you, Alan.

6 All right.

7 MR. DRUMMOND: Dale.

8 MR. DIAZ: Yes, sir.

9 MR. DRUMMOND: I'd like to thank you for all
10 your help to me especially. I'm sure you have helped other
11 commissioners, but have a good retirement.

12 MR. DIAZ: Thank you. It's always been a
13 pleasure working with you, Commissioner.

14 MR. GOLLOTT: Dale, one question. On this
15 artificial reef on the west end of Cat Island, do we need a
16 motion on that or can the staff handle that without a motion?

17 MR. DIAZ: I think we can handle it without a
18 motion.

19 It would be good if we knew exactly -- we'll
20 talk with them some more and see what they're thinking about.

21 To do something over there, we'd have to permit
22 an area. So, I mean, there's some leg work that has to be
23 done. It's not something that could happen real quick. So
24 we'd have to permit an area. We may need to get some benthic
25 studies done because Mississippi Sound is sturgeon habitat, and

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1 crab fishery based on a recent study by Mississippi State
2 University is that it produces over \$8 million in total value
3 of economic goods, creates nearly 250 jobs, and generates over
4 \$500,000 in income for the state.

5 Mississippi crabbers follow many conservation
6 directives that are administered through this agency, and those
7 include protected areas that are closed to commercial harvest
8 in the bays and within one mile of the Gulf Island National
9 Seashore barrier islands.

10 Also, we have a crab sanctuary in place from
11 January 1 to March 31 in an area west of Cat Island.

12 We also have harvest limitations. No harvest of
13 egg bearing or sponge crabs. And we have no harvest of hard
14 crabs under five inches.

15 Also, we work to prevent lost traps and ghost
16 fishing by requiring an owner ID on all floats and traps. We
17 require a non-floating line and minimum six inch highly visible
18 float.

19 Of course, we can have an optional annual closed
20 season for crab trap cleanup.

21 Here we're looking at annual Gulf hard crab
22 landings from 1950 through 2012. And I wanted to show you this
23 just so you could see this increase in trend over time.

24 Back in 1950, it was less than 20 million
25 pounds, and the Gulf made up 12 percent of the total U.S.

15

1 that's an endangered species. So there's some work that would
2 have to be done. So we need to figure out what areas they're
3 considering and exactly what work needs to be done and if
4 there's anything that might conflict with other user groups.

5 MR. BOSARGE: Dale, make sure that we don't take
6 any fishing grounds from somebody else, so yeah.

7 MR. DIAZ: And we can certainly report back to
8 you maybe at a future commission meeting.

9 MR. GOLLOTT: Get this started right away,
10 because it's going to take a while, so we'd like to go ahead
11 and get on it and get started with it.

12 Thank you. Maybe some possible sites at the
13 next meeting.

14 MR. DIAZ: Sure.

15 And then that might be a good time for a motion
16 if y'all want us to proceed after we come up with some
17 potential sites, that would be a good time to do that.

18 First up for the office of marine fisheries,
19 Traci Floyd is going to do a blue crab update for you.

20 1. Blue Crab Update

21 MS. FLOYD: Good morning, Mr. Chairman,
22 commissioners, Director Miller, and Ms. Chesnut.

23 I'm Traci Floyd, and this is the blue crab
24 update.

25 The annual economic impact of the Mississippi

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1 landings. Currently, we're at about 54 million pounds and make
2 up over a third of the Gulf landings.

3 Here we're looking at Mississippi hard crab
4 landings going back to 1963. And as you can see, crabs follow
5 a cyclical, meaning their populations vary widely based on
6 environmental fluctuations from year to year. But regulations
7 also have a big impact. And you can see here in the early
8 '90s, our landings were pretty much cut in half. And
9 contributing to that were some of those regulations, such as we
10 closed within one mile of the barrier islands, but mainly
11 because we closed the bays to commercial crabbing. And from
12 1963 to 1997, we kind of went back and forth with some sponge
13 crab prohibitions, season and area, and ultimately that harvest
14 was eliminated by 1997.

15 So here we're looking at more recent years in
16 our landings for value of our crab fishery, of course, in
17 addition to environmental fluctuations and regulations. Our
18 landings vary by the disaster events. And, of course, in 2005,
19 Katrina, in 2010 precautionary closures for DEEP WATER HORIZON,
20 and in 2011 we had the opening of the Bonnet Carre Spillway
21 which inundated the Sound with fresh water, displaced crabs,
22 and we had a federal fishery failure declared for our blue crab
23 fishery.

24 Now, landings are back up in 2008, and you can
25 see it's a little bit less than 800,000 pounds valued at over

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1 \$700,000. But keep in mind, too, that this is the first year
2 of our trip ticket program, so we are getting a lot ore
3 information from crabbers who sell to the public, but in
4 additional information effort, as well, and I'll share some of
5 that with you further on in the presentation.

6 But for 2013, landings are very poor. And we're
7 down about 60 percent of what we would expect to see for this
8 time this year.

9 This is not our worst year. That was back 1994.
10 But still cause for concern. So I'm going to go through some
11 of the data in our sampling, and we'll talk about some of the
12 reasons why.

13 Currently in the state, we have around 150
14 commercial crabbers resident, 13 nonresident commercial, and
15 554 resident recreational. We have about 54 folks that come in
16 from out of state to do it and 72 shrimpers that buy this trawl
17 license so they can sell their crab catch commercially.

18 As I mentioned, the trip ticket data program
19 began last year, so it's in its infancy. But I did want to
20 share some of that information we've been able to get with you.

21 Effort information as far as the actual number
22 of fishermen who are bringing in landings in the state. And as
23 you can see, the highest in blue is 2012, red is 2013. The
24 highest we've seen was February and March of last year with
25 around 43 fishermen reporting. The lowest in July of this year

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1 with only 15 reports.

2 And you can see the lower effort in 2013 as you
3 would expect with those poor landings. Crabbers are working in
4 other fisheries or doing other things to make ends meet during
5 this hard year.

6 Also, we have our first ever monthly estimate of
7 crab traps used per fisherman. And as you can see, it varies
8 anywhere from 150 to 250 per month.

9 Next I'm going to talk about our catch per unit
10 effort study, and this is done in conjunction with Gulf Coast
11 Research Lab Center for Fisheries Research & Development.

12 And this program involves a biologist actually
13 going out with a commercial crabber in each coastal county and
14 actually measuring their catch.

15 So it's interesting to see that predominantly
16 their catch is female. This is percent females in red, percent
17 sponge crabs in green, percent males in blue. And this has
18 been since the study began in 2007.

19 So our crabbers are kept out of the bay. Our
20 commercial guys are kept out of the bays. They're in higher
21 salinity waters. And that's where you're going to find the
22 females. The males prefer the low to medium salinities.

23 So they catch more females. And as you can see
24 in July and August, nearly a quarter of their catch is sponge
25 crabs that they have to throw back.

18

1 Here we're looking at pounds of blue crabs per
2 trap per day in our commercial CPUE study. And as you can see,
3 when the program began back in 2007, it was a little over two
4 pounds per trap per day. Again you see wide variations from
5 year to year. But overall a downward trend to now less than
6 one pound per trap per day.

7 And there was actually a historical study in
8 catch per unit effort done back in the early '70s. And you see
9 that here in green. In red is our current study. And the
10 historical study was done by interviewing processors, so it was
11 a little bit different than our work with the fishermen. But
12 there's no doubt about it, we're seeing a great variation here.
13 Look at June, nearly five pounds per trap per day, and it's
14 under two pounds for the current study.

15 So next we'll look at our fishery independent
16 data, again with our friends at Gulf Coast Research Lab. Most
17 of the data I'm going to show you next comes from the Biloxi
18 area here, but we have expanded our monitoring for trawling
19 throughout the entire Sound back in 2009.

20 The first we're looking at megalopae. This is
21 the last microscopic stage of blue crabs. And this is catch
22 per unit effort in numbers. And as you can see, it's highly
23 variable going back to 1987. But overall, the trend is
24 increasing. And in Mississippi, we say blue crabs are not
25 recruitment limited. That means there are plenty of recruits

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1 or new crabs that go into the next generation. And we find
2 that in this size life stage.

3 But when we go into the juvenile stage, it's
4 again highly variable. But you can see the trend line going
5 slightly downward for the juveniles caught in our bean plankton
6 trawls.

7 In our seines, this is a bag seine that catches
8 juveniles and adults, again a more marked decline. And this
9 goes back to 1974, so this is a very valuable data set for all
10 of our fisheries as we monitor that. But note that it predates
11 the oil spill.

12 And the same for our trawl data decline, the
13 catch per unit effort there.

14 So we'll talk about some of the reasons why
15 we're seeing this, some possible reasons. There are many
16 factors that I've mentioned already, but also on everybody's
17 mind is DEEP WATER HORIZON, and as Joe described last month, we
18 have our seafood safety testing ongoing. That includes crabs
19 and all are well below levels of concern.

20 We look forward to the results of the NRDA or
21 Natural Resource Damage Assessment program that will tell us
22 more about impacts to crab populations and their habitat. Of
23 course, we look forward to that from DEQ.

24 I wanted to mention the dead zone in the Gulf.
25 And down in the bottom illustration in red is what NOAA has

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1 predicted for a dead zone this year. Fortunately, it looks
2 more like this over in Louisiana. And that's a dead zone that
3 is the result of agricultural runoff that's causing algal
4 blooms, when they decompose, it uses up oxygen in the water.
5 And highly mobile species like crabs are going to move out of
6 the way. They're going to be displaced. But it can kill some
7 species.

8 So in Mississippi, we do see low dissolved
9 oxygen areas as Matt explained to you about the jubilee earlier
10 this year. So just about every year I get calls about dead
11 crabs in traps, you know, since I've been here before the oil
12 spill. And usually what it is is low dissolved oxygen when the
13 water gets warm and there's not a lot of mixing, it's just
14 naturally occurring. And crabs typically move out of the way.

15 A few words on climate. Guillermo Sanchez Rubio
16 and some of the others at Gulf Coast Research Lab conducted a
17 study called climate related hydrological regime and their
18 effects on abundance of juvenile blue crabs in the north
19 central Gulf.

20 Now, one of the things they found was that
21 during periods of heavy local precipitation and heavy river
22 discharge, predation on blue crabs is decreased. And this is
23 because there's more wetland habitat that is inundated, and
24 this allows for more refuge and thus more blue crabs, less
25 predation. And he found these conditions to be true for the

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1 There's a direct relationship between the amount of habitat you
2 have and the amount of blue crabs you're going to have. In
3 emergent vegetative wetlands, those provide essential habitat,
4 not only for drabs, but their prey and their predators.

5 Now, of course, you know marshes are an integral
6 part of our estuarine system. They provide nursery area. The
7 detritus makes up the basis for our food web, and, of course,
8 that refuge from those many predators of crabs.

9 So I thought this was interesting. Nearly a
10 quarter of the salt marsh in the Mississippi Sound has been
11 lost from 1956 to 2007. And note this is during the prime time
12 we're seeing this crab decline. So that's over 9,000 acres.

13 And here's just one example over in Heron Bay
14 where there were over 350 acres of marshland lost. And you can
15 see, that's thousands of feet there. And fortunately, there is
16 a restoration program in place for this area. But I can't
17 stress enough the importance of wetlands preservation and
18 restoration from the fisheries management aspect.

19 And I wanted to mention we are currently
20 finishing our 2013 revision of the blue crab management plan
21 which is in conjunction with Gulf States Marine Fisheries
22 Commission and other Gulf states. And this document was
23 originally written in 1990. We revised it in 2001. But the
24 top management recommendation is to address habitat loss.

25 And finally, I wanted to mention our current

23

1 northern Gulf from 1973 through '94.

2 He found the opposite, drought conditions that
3 contribute to lower crab numbers, in 1997 through 2005.

4 Also we note from our own sampling that we have
5 seasonally a higher catch per unit effort in the warmer months.

6 So as far as blue crab predators, everything
7 just about eats blue crabs. Blue crabs are cannibalistic.
8 They eat their own. Sea turtles eat blue crabs. But there are
9 64 species of fish that have been identified in the Gulf as
10 predators of blue crab.

11 We wanted to look a little bit more closely at
12 one of those. We had a few questions about this one. But red
13 drum, depending on the study you read and the life stage you're
14 referring to, anywhere from 34 to 54 percent of their diet is
15 blue crabs. So they can have an impact on the population.

16 And what we did here was compare in blue our
17 catch per unit effort and our agency sampling blue crabs to our
18 commercial red drum landings over the years. And as you can
19 see, those regulations for red drum, closing of federal waters,
20 cutting down the commercial quota to 35,000 from 200,000, and,
21 of course, limits on gill nets, theoretically you could say
22 there were more red drum from that commercial fishery available
23 to eat blue crabs. So that's just one thing to think about
24 there.

25 Finally and most important is habitat loss.

22

1 revision will include the first ever GDAR or Gulf Data
2 Assessment and Review stock assessment of the blue crab fishery
3 for the entire Gulf. And this takes into account environmental
4 fluctuations, fishing pressure, recreational and commercial
5 landings, and sampling from all of the Gulf states.

6 And what we have found is that our management is
7 working, that even though there may be other problems in the
8 fishery, it is not overfished and overfishing is not occurring.

9 And you can find that document on the Gulf
10 States website, and the final FNB will be on our website, as
11 well.

12 Any questions?

13 MR. TAYLOR: Yeah. One thing you said, habitat
14 restoration. And I think one of the things that the DMR has
15 come up with, beneficial use, where when you dredge you have to
16 create habitat marsh and all. I think that's great, not only
17 for this, but for other fisheries.

18 But I want to go back to something you said
19 about the redfish. As a charter boat captain, you know, the
20 local charter boats make their living on redfish basically in
21 this area. And in 22 years they have not been able to keep a
22 redfish in federal waters.

23 And if I go behind my boat at the small craft
24 harbor, every day I'm seeing fishermen out there catching 15,
25 20, 20 pound redfish. I'm not talking about one, I'm talking

24

1 about four or five in the morning. And I'm just wondering if
2 the abundance of redfish could be causing more than we think of
3 this. And if so, would lowering the size of the redfish help
4 with the population of the crabs?

5 I don't know if they're intertwined or what.

6 MS. FLOYD: Sure. I think that would take
7 further study. I'm not sure that changing the size limit -- I
8 think anything under about 24 inches is going to eat blue
9 crabs. So I think that would take further study.

10 But definitely the red drum I believe have an
11 impact on the blue crab population.

12 MR. GOLLOTT: One of the things that's
13 interesting is our sister states on either side of us has got a
14 16 inch limit where we are 18 inches. And I don't know why
15 there's such a difference, you know, why we think that we got
16 to wait -- like Jimmy said over 22 years we haven't been able
17 to take a redfish out of the Gulf.

18 I had a friend tell me he seen a school that day
19 he thought he could walk on there were so many redfish in the
20 Gulf. So, you know, that's NMFS's problem.

21 I'd like to look at bringing our limits in line
22 with our sister states at least, if the staff could work on
23 that and come back to us.

24 MS. FLOYD: Yes, sr.

25 MR. TAYLOR: I have another question. Are other

25

1 states, our sister states, seeing the same decline in catch per
2 unit and all? I mean, do you know? Or do you --

3 MS. FLOYD: Of the blue crab?

4 MR. TAYLOR: Yes.

5 MS. FLOYD: Yes, sir. Alabama is very similar
6 to us. Louisiana is touch and go depending on basis system.
7 Florida is having -- is doing very well. And Texas is not as
8 well. So it varies from state to state.

9 But Alabama is very similar to us.

10 MR. BOSARGE: Traci, tell me about the sponge
11 crabs. Refresh my memory a little bit. Last year, I think you
12 or Harriet Perry, one, did a presentation to us about the
13 sponge crabs. And what I remember was in her studies she found
14 that because it's been in place so long there's been no benefit
15 from the sponge crabs. Correct? By the law of closing of
16 sponge crabs.

17 MS. FLOYD: Harriet and other crabologists
18 question the wisdom of protecting the sponge crabs because, you
19 know, we are not recruitment limited. From our sampling, we
20 know we have plenty of young from what we've seen so far.

21 Now, in Alabama, by comparison, they do not
22 protect their sponge crabs. But their situation is very
23 similar to ours. So it doesn't seem to be making that much of
24 a difference.

25 MR. BOSARGE: Louisiana, also, they have no laws

26

1 against sponge crabs?

2 MS. FLOYD: They do protect sponge crabs there.

3 MR. BOSARGE: And if I remember correctly,
4 because it's in state statute, we took it to the state to see
5 if we could not have that law changed where it would allow
6 fishermen to keep sponge crabs last year.

7 MS. FLOYD: We have in past years sent that up
8 to the legislature, but, you know, it's kind of controversial.
9 People want to protect the female, the pregnant females, so to
10 speak, and it has been sent that way, but it has not been
11 approved.

12 MR. BOSARGE: I would like to see it brought
13 back again this year, you know, to open it back up to the
14 sponge crabs. I mean, from all the data I see and everything
15 I've heard, you know, there's been very little benefit from
16 that, and really as you see by your graph, it's a lot of crabs
17 those guys could be landing that would be beneficial to the
18 industry.

19 MS. FLOYD: Sure. My only hesitation would be
20 the oil spill study results. I would like to see those final
21 results and include that in our consideration of sponge crabs
22 just to be sure we're where we want to be with our population.

23 MR. BOSARGE: All right. When you get to where
24 you feel comfortable, come back to us, please.

25 MS. FLOYD: Okay.

27

1 MR. GOLLOTT: Traci, one of the consequences of
2 not harvesting sponge crabs like Alabama is we put our crab
3 picking plants out of Mississippi. I don't know but one that
4 we have in Mississippi any more. At one time, we probably had
5 a dozen or two dozen.

6 MS. FLOYD: Yes, sir. I believe before
7 Hurricane Katrina, we had about -- we were down to four. After
8 Katrina, we had one. I think we're back up to two now. But
9 certainly --

10 MR. GOLLOTT: One of the problems is not getting
11 a consistent supply of crabs. When the sponge crabs come in,
12 they just about have to quit catching crabs and that cuts it
13 off in Mississippi.

14 MS. FLOYD: Yes, sir. Thank you.

15 MR. DIAZ: Thank you, Traci.

16 Next up for marine fisheries is going to be
17 Scott Gordon, and he has the next two agenda items. The first
18 one is a shellfish sampling update. And the second one is your
19 permission to open a limited Mississippi oyster season, and
20 that is an action item.

21 MR. TAYLOR: While Scott is preparing his thing,
22 something I forgot. Next month's meeting of all of the team
23 members, there's relaxed dress code since it will be at the
24 NERR. You know, I'm not wearing a tie. I'll probably have
25 shorts on. But that's just wanted to touch that base.

28

1 MR. DRUMMOND: Will that reflect on Jackson
2 County, Mr. Chairman?

3 MR. TAYLOR: That's Jackson County formal code:
4 shoes, T-shirt, and shorts, especially if they're cutoffs.

5 MR. DRUMMOND: That's why I asked you.

6 2. Shellfish Sampling Update

7 MR. GORDON: Good morning, Mr. Chairman,
8 commissioners, Director Miller, Counselor Chesnut.

9 Before I get into my next two presentations, I
10 would like to mention that I have enjoyed working for Dale.
11 Dale had worked for me in the shellfish bureau, and now I've
12 worked for him, and we're sure going to miss him.

13 An additional thing I would like to point out to
14 add about Roy Lipscomb, wanted to toot his horn just a little
15 bit. He was awarded the Bronze Star for his work over in
16 Afghanistan. I think that's something very special. So we're
17 all proud to have Roy back.

18 Sampling update. Each year, we go out and we
19 sample. These are one minute dredge tows that we've averaged
20 over -- I believe we've done 57 sample stations this year. And
21 I've broken this down by the reef complex. The Pass Christian,
22 Pass Marianne, St. Joseph, and Telegraph reef complexes. And I
23 looked back over the last three years, so in each of these
24 categories, we have the 2011, 2013, so you can see what each of
25 these reef complexes did in the previous years.

29

1 These are mean oyster sample size class
2 frequencies, and that's the sack oysters greater than 75 seed
3 -- gosh. I've got the reef on here. This is the sack oysters,
4 which are the legal size, that's the green. The yellow is the
5 seed oysters that's between 25 and 75 millimeters. And the
6 spat, which is the very smallest category. So I have those as
7 red, yellow, and green, green being what we would expect to be
8 able to harvest.

9 For the Pass Christian this year average, it's
10 pretty similar to what we had last year. And the Pass Marianne
11 is the same way. The St. Joseph and the Telegraph reef areas
12 are not doing very well. But I do like to see on the St. Joe
13 and the Telegraph areas, the St. Joe we have a nice amount of
14 seed oysters. And also we've got a pretty heavy spat set his
15 year. So that's something that is encouraging for the future.

16 And you may also want to keep these two areas in
17 mind whenever I come down to what the season recommendation
18 would be.

19 And this is something so you can visualize.
20 Again, we went back 2010, 2012, and 2013. We did not do the
21 sample in 2011 because of the Bonnet Carre Spillway opening.

22 What we did here was color coated the grids
23 based on our one minute dredge tows. We did duplicate dredge
24 tows in each of these grids. And we averaged them out. And
25 all of these maps are going to be using the same

30

1 classification.

2 Where the red areas is none, this light pink
3 area I guess between one and 20, 21 to 40 is this color. The
4 blue is the 41 to 60, and 61 to 80 is going to be green. So
5 that's going to be our best area.

6 So in 2010, this is what we had. 2012, which
7 was last year, which we had the limited oyster season. If you
8 look at some of these areas along the Pass Christian tonging
9 area and the Pass Christian dredging reef area and the Pass
10 Marianne reefs.

11 For those of you that aren't familiar, this is
12 the Pass Christian reef complex. This we refer more to the
13 Henderson Point Square Handkerchief. This is Pass sMarianne
14 and Telegraph and the St. Joe reef areas.

15 This is what we found from our samples this
16 year. St. Joe is still recovering. All of our reefs are
17 recovering. And I would say we're in the recovery stage on
18 that. We do have some harvestable oysters in the Pass
19 Christian area, although our indications are that it's not as
20 good as what we would have liked to have seen.

21 Keep in mind, these are from our one minute
22 dredge tows.

23 But the Telegraph reef area, it's other than
24 what the spat and the seed oysters on there, we don't have very
25 many marketable oysters.

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1 Are there any questions on our sampling?

2 MR. GOLLOTT: Go back to the previous slide I
3 think where you had the graphs on spat. What is the yellow?
4 What size is that in inches? I mean, I know an oyster can grow
5 from --

6 MR. GORDON: Twenty-five to 75 millimeters, so
7 it's just under three inches, basically an inch to three
8 inches.

9 MR. GOLLOTT: So this --

10 MR. GORDON: That's the seed oysters.

11 MR. GOLLOTT: In other words, that can be ready
12 in --

13 MR. GORDON: Towards the end of the season.

14 MR. GOLLOTT: That's what I was wondering.

15 Thank you.

16 MR. GORDON: At least a portion of that.

17 Are there any other questions on the sampling?

18 3. Limited Mississippi 2013-2014 Oyster Season

19 MR. GORDON: Okay. For the 2013-2014, we're
20 going to recommend a limited oyster season similar to how we
21 did last year.

22 We do have oyster task force trip scheduled to
23 go out on The CONSERVATIONIST this coming Friday. And it's
24 basically our day on the Sound. You know, we want to show them
25 the different reef areas. So we'll ask them which reef areas

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1 would you like to look at. We'll go out there. We'll pull the
2 dredge on it. We'll look. And we'll have some discussions.

3 Also, this coming Monday we're going to have
4 another day on the Sound for anybody else. You know, we have
5 some of the other dredgers and tongs that have shown
6 interest. You know, we're inviting the dealers to come out.
7 And I would also like to invite Director Miller and the
8 commissioners. And I would encourage you to go on that. You
9 know, that kind of lets you see firsthand what sort of season
10 we would have to look towards.

11 Either Friday or Monday for the commissioners,
12 but Friday is going to be the oyster task force, and Monday is
13 going to be the other day on the Sound.

14 MR. BOSARGE: Scott, do you have any
15 recommendations from the task force on what they would like to
16 see on the season?

17 MR. GORDON: Not yet. That's one of the reasons
18 that we're going to have the task force out on The
19 CONSERVATIONIST on Friday before the other group goes out.

20 MR. BOSARGE: Maybe make sure we try to do that
21 before the meeting, maybe we can get a little input from those
22 guys.

23 MR. GORDON: Yes, sir.

24 And I thought the commission would like to see
25 where our commercial license sales stand right now. This is

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1 commercial oyster license sales by type for FY '04 through FY
2 '14.

3 And the green category is the resident dredging
4 licenses. This was last year and this year. We still have
5 some licenses remaining.

6 The yellow is the resident tonging licenses, and
7 the same holds with all of these categories. The red is the
8 nonresident dredging. And the light blue is the nonresident
9 tonging licenses. So there are still a few licenses left for
10 this year.

11 This is going to be our recommendation for the
12 2013-2014 Mississippi limited oyster season.

13 It would be to authorize the executive director
14 to open a limited 2013-2014 Mississippi oyster season in Area
15 II conditionally approved waters to the harvest of oysters.

16 Also to authorize the executive director to
17 extend the limited oyster season or open other areas that may
18 become available.

19 Authorize the executive director to close areas
20 to harvest to conserve the resource.

21 Starting off initially with a 20 sack daily
22 commercial dredging sack limit and 12 sack daily commercial
23 tonging limit. That's where we started last year.

24 And authorize the executive director to adjust
25 the daily sack limit as required.

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1 Authorize the executive director to modify the
2 daily checkout time to no later than 4:00 p.m. And that
3 sometime probably in October will have to go to a shorter
4 period of time due to our vibrio time temperature matrix.

5 Open reefs Monday through Saturday, closed on
6 Sundays, Thanksgiving Day, Christmas Eve, Christmas Day, and
7 New Year's Day. These are standard provisions.

8 And then the other standard season provisions,
9 such as check stations, correct change, etcetera.

10 And once the season opens, the condition of the
11 reefs will continue to be monitored. And the executive
12 director will make the necessary authorized adjustments.

13 For your information, for the -- I've been
14 informed that the State of Texas is planning on opening up
15 mainly the Galveston Bay area November 1. And Louisiana has
16 decided to open up some of their areas east of the river on
17 October 15.

18 So we have not selected any dates yet on this,
19 but a lot of that is still up in the air. And I know we've got
20 some of the fishermen in here that like to see it opened up as
21 early as possible. There are some other fishermen would like
22 to see it put off. But biologically, it really doesn't make
23 any difference which way you want to go with that.

24 MR. GOLLOTT: Mr. Chairman, I'd like to make a
25 motion that we open the tonging reef on September 30th. This

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1 would be the real first week of October, and then open the
2 dredging reef on October 14 with the sack limits that they
3 recommend, and the rest of the recommendations, we'll accept
4 them.

5 MR. TAYLOR: We have a motion on the floor. Do
6 we have a second?

7 MR. BOSARGE: I'll second.

8 MR. TAYLOR: Any discussion? All those in
9 favor. Passes unanimous.

10 MR. GORDON: Thank you.

11 MR. TAYLOR: Thank you, Scott.

12 MR. DIAZ: Thank you, Scott.

13 Next up for office of marine fisheries, Ms.
14 Kristina Broussard is going to show you something that we just
15 had. It's hot off the press. An Oysterman's Guide for the
16 Mississippi Reefs. Kristina?

17 4. Presentation of Oysterman's Guide to Mississippi
18 Oyster Reefs

19 MS. BROUSSARD: Good morning. My name is
20 Kristina Broussard, and I'm the scientist for the shellfish
21 bureau. I'm here to present the Oysterman's Guide to
22 Mississippi Gulf Coast Oyster Reefs that we had printed.

23 This guide book is intended for all oystermen
24 working in Mississippi waters. It will be distributed to
25 working oyster licensed holders at the Pass Christian check

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1 station beginning this October when oyster season begins.

2 Any oyster license holder is eligible to receive
3 a copy, and we will also have a PDF version of this guide on
4 the DMR's website.

5 The goal of this book is to offer oystermen a
6 unified reference guide for working in the Mississippi Sound.
7 This guide includes an abundance of information, including
8 oyster reef harvesting locations, a map of the western
9 Mississippi Sound oyster reefs, rules and regulations for
10 harvesting oysters in Mississippi water, a description of our
11 trip ticket program, the DMR's ongoing efforts to enhance and
12 preserve the oyster reefs for future generations, a guide for
13 spotting predators and threats to the oysters, understanding
14 shellfish toxins and what the DMR does to monitor for these
15 toxins, and boating safety on the water including weather
16 emergencies.

17 This book was printed on waterproof tear
18 resistant synthetic paper with a plastic spiral binding to avoid
19 corrosion from sea water.

20 The goal is to have this be the reference guide
21 for our oystermen for many years to come.

22 And this entire project was funded by a grant
23 from the Emergency Disaster Recovery Program.

24 Are there any questions?

25 MR. TAYLOR: It's very nice looking, very

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1 toadfish, and Ms. O'Brien.

2 Second is for Atlantic bumper, *Chloroscombrus*
3 *chrysurus*. It will be a new record of 3.45 ounces caught by
4 our own Donald Ames, Jr. Our bumper, and Donnie looking
5 thrilled with his catch.

6 Third is for bull shark, *Carcharhinus leucas*.
7 It was an old record of 130 pounds 7.36 ounces. The new record
8 will be 164 pounds 6 ounces caught by Mr. Eric Slate. The
9 shark and Mr. Slate.

10 Any questions?

11 MR. DRUMMOND: Mr. Chairman, I make a motion
12 that we approve these new records for the State of Mississippi.

13 MR. TAYLOR: Do we have a second?

14 MR. GOLLOTT: Second.

15 MR. TAYLOR: All those in favor. Passes. Thank
16 you, Erick.

17 We are going to -- the next part of the meeting
18 is going to be pretty lengthy. We have a pretty good number of
19 items in coastal zone, so we're going to take about a ten
20 minute break here for anybody that needs to get to drink, use
21 the restroom, whatever.

22 (Off the record.)

23 MR. TAYLOR: I'm going to bring the meeting back
24 to order. And I realize we have some people that still need to
25 come, so let's see. Next up on the agenda is office of coastal

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1 practical.

2 MS. BROUSSARD: Thank you.

3 MR. BOSARGE: A lot of information. Really a
4 nice job.

5 MS. BROUSSARD: Thank you.

6 MR. DIAZ: Thank you, Kristina.

7 Kristina and the rest of the shellfish staff and
8 our PR folks and a lot of other people contributed to putting
9 this book together. And this is an effort for us to try to do
10 something for the folks that we work for, the fishermen, to
11 give them something that would be very handy for them. And I
12 think the staff done a wonderful job on this, and I'm very
13 proud of this book. I think it's going to be a must have thing
14 for all oyster fishermen. And I appreciate the hard work to
15 make that happen.

16 Last up for the office of marine fisheries is
17 going to be state records, and Erick Porche will be presenting
18 them. Erick?

19 5. State Records

20 MR. PORCHE: Good morning. I have three records
21 for your consideration today. All three of them are
22 conventional tackle.

23 The first one is for Gulf toadfish, *Opsanus*
24 beta. The old record was two pounds. The new record will be 2
25 pounds 3.2 ounces caught by Cecily O'Brien. There's the

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1 management, Jan Boyd.

2 H. Office of Coastal Management

3 MS. BRANTLEY: Jan is at a Coastal States
4 organization meeting in Virginia and sends his regrets. So I'm
5 filling in for him. We have I think -- we got down to seven
6 items on the agenda, and Chris Pickering will be presenting the
7 first one.

8 1. Bureau of Wetlands Permitting

9 a. Ed Colton

10 MR. PICKERING: Good morning. My name is Chris
11 Pickering. I'll be presenting a request for a permit by Mr. Ed
12 Colton. The location is the St. Louis Bay at 207 Sandy Hook
13 Drive in Pass Christian, Harrison County, Mississippi. This is
14 in the general use district. And the agenda is A Step Above
15 Marine Contractors.

16 The yellow thumb tack is the location of the
17 project. You've got the St. Louis Bay and Highway 90.

18 He is proposing to construct a pier that's 25
19 feet long and 8 feet in width. This will make the total
20 shading area 1,629 square feet.

21 This is a diagram. Basically, this is the
22 property line here. He has a bulkhead that runs along here and
23 then along the bay. And right now this is just an open area,
24 and he wants to put a 25 by 8 foot pier over it. And he does
25 have permission from the adjacent property owner to do this.

40

1 This was previously permitted --
 2 MR. GOLLOTT: Excuse me. Would you back up to
 3 the last graph? Where is the bulkhead at on here?
 4 MR. PICKERING: The bulkhead runs along here.
 5 MR. GOLLOTT: It's behind there; right?
 6 MR. PICKERING: Right. And the water is out
 7 here.
 8 MR. GOLLOTT: Explain to me again, please.
 9 MR. PICKERING: The bulkhead runs from here down
 10 to here, along here.
 11 MR. GOLLOTT: Okay.
 12 MR. PICKERING: And basically all this is open
 13 water.
 14 MR. GOLLOTT: Okay. Thank you.
 15 MR. PICKERING: You'll be able to see it better
 16 on the picture I have.
 17 This was previously permitted through a general
 18 permit in July. It's a 275 foot access pier. It was four feet
 19 wide. And then a 15 by 15 foot covered pier and a 13 by 8 foot
 20 pier at the end.
 21 And this is a picture of where his new 25 by 8
 22 foot pier is going. You can see the bulkhead runs along here.
 23 And this is the property line. He's going to extend the fence
 24 out along the new pier.
 25 The reason why we are taking this to commission

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1 is because his previously permitted access pier will not be
 2 able to be considered an access pier any more because of the
 3 new pier. They're both providing access so you cannot have two
 4 access piers. So that's why the square footage is so high.
 5 The project does not serve a high public
 6 purpose.
 7 The project is allowable within the general use
 8 district.
 9 Similar projects have been approved, and no
 10 precedent setting effects are anticipated with this project.
 11 Piling installation may temporarily increase
 12 turbidity in the construction area and may result in a
 13 temporary decrease in number of benthic organisms. No more
 14 than 1629 square feet of waterbottoms will be shaded.
 15 Best management practices will be utilized
 16 during all phases of construction.
 17 No offsite alternatives have been considered
 18 because this is a private residential lot and the project
 19 serves to allow the property owner access to the water.
 20 The construction of the pier does require a
 21 waterfront location.
 22 There are other piers in the area, and this
 23 project is not expected to adversely affect the natural scenic
 24 qualities.
 25 Public notice went out to the Sun Herald on

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1 August 11, 18, and 25. No comments were received.
 2 DEQ is currently reviewing the project.
 3 Archives & History has no objection. Secretary of State says
 4 the project will not require a tidelands lease. And Wildlife &
 5 Fisheries recommends that best management practices.
 6 Based upon departmental review and evaluation,
 7 the staff recommends that the CMR approve the applicant's
 8 request.
 9 MR. TAYLOR: Any questions? Do I have a motion?
 10 MR. GOLLOTT: Mr. Chairman, I make the motion
 11 that we accept the staff's recommendation and issue this
 12 permit.
 13 MR. TAYLOR: Do I have a second?
 14 MR. BOSARGE: So second.
 15 MR. TAYLOR: All those in favor. Passes
 16 unanimous. Thank you.
 17 b. Mike Odom
 18 MR. CHRISTODOULOU: Good morning. My name is
 19 Greg Christodoulou. I'll be presenting the next three items
 20 for your consideration this morning.
 21 The first is a request for a permit by Mike
 22 Odom. It's located on an unnamed canal adjacent to Breath
 23 Bayou in Bay St. Louis in a general use district. And the
 24 agent is A Step Above Marine Contractors.
 25 Here's the location indicated by the thumb tack.

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1 Here is Highway 603, 43, and I-10. This would be Exit 13, the
 2 Bay St. Louis exit.
 3 The applicant is requesting a bulkhead 50 feet
 4 in length, a 30 foot by 12 foot boathouse, two piers, one 30
 5 feet by 2 feet, and one 11 feet by 2 feet, along with the
 6 existing structures that are in place. The total shading of
 7 the project is 1,528 square feet.
 8 Here is a broad diagram of the project. The
 9 area that's kind of in a brown color here is an existing pier
 10 about six feet wide around the entire perimeter of the property
 11 that's existing in place. The yellow is an existing floating
 12 jet ski dock.
 13 The bulkhead that is proposed is on this lot
 14 right here. Currently there is no shoreline protection on it
 15 except for some riprap material. And the boathouse they're
 16 asking to construct. And the piers are associated with this
 17 structure right here. And I'll have a little better closeup of
 18 the boathouse.
 19 The green is the existing dock. They're going
 20 to notch in about three feet on the existing dock so they do
 21 not extend too far out with that 25 percent the width of the
 22 waterway. The pink is the boathouse structure itself. And the
 23 two piers in front and along the side are in yellow.
 24 Here is a picture of the site. You can see the
 25 existing pier that's in place, the jet ski lift, the flags

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1 right here for the new bulkhead, and the boathouse would be in
2 this location.

3 The project does not serve a higher public
4 purpose.

5 The project is allowable within the general use
6 district.

7 Similar projects have been approved, and no
8 precedent setting effects are anticipated with the project.

9 Piling installation may temporarily increase
10 turbidity in the construction area and result in a decrease in
11 number of benthic organisms. And the total shading of this
12 project will not exceed 1,528 square feet.

13 Best management practices will reduce adverse
14 impacts.

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

18 Construction of bulkhead, boathouse, and piers
19 does require a waterfront location.

20 There are other piers, bulkheads, and boathouses
21 in the area, so the project is not expected to adversely affect
22 the natural scenic qualities of the area.

23 Notification of the project was placed in Sun
24 Herald and Sea Coast Echo. We received no public comments.

25 DEQ is reviewing the project. Archives &

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1 History has no objections. There is no tidelands issues as the
2 project is on a manmade canal.

3 And best management practices should be properly
4 implemented from comment from the Wildlife, Fisheries & Parks.

5 Based on staff's review and evaluation, the
6 project is consistent with the Coastal Program, and staff
7 recommends approval of the requested permit.

8 MR. TAYLOR: Any questions?

9 MR. DRUMMOND: Greg, I have a question. Shading
10 is not going to inhibit the process of this permit; does it?

11 MR. CHRISTODOULOU: No, sir. It's just when --

12 MR. DRUMMOND: It's gone away now. We don't
13 have any problem with shading.

14 MR. CHRISTODOULOU: It's just waterbottoms that
15 are being shaded and surface. There's no marsh or anything
16 like that in the area.

17 MR. DRUMMOND: No marsh?

18 MR. CHRISTODOULOU: No, sir.

19 MR. DRUMMOND: I just saw you mentioned shading
20 was 1500 square feet.

21 MR. CHRISTODOULOU: That's for the amount --
22 there's only a thousand square feet allowed for the general
23 permit, so when projects exceed that thousand square feet, we
24 have to elevate how we review those.

25 MR. DRUMMOND: Okay.

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1 MR. TAYLOR: Do I have a motion?

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

4 MR. TAYLOR: Is there a second?

5 MR. BOSARGE: So second.

6 MR. DRUMMOND: I second the motion.

7 MR. TAYLOR: Those in favor. Passes unanimous.
8 Thank you.

9 c. Diamondhead Corporation

10 MR. CHRISTODOULOU: Next project permit request
11 by Diamondhead Corporation. It's located on Paradise Bayou in
12 the Diamondhead marina and the accessory canals in south
13 Diamondhead. It's in the general use and commercial fishing
14 and recreational marinas district. And Wendell Mears from
15 Anchor QEA is the agent.

16 The area in question is basically the entire
17 south Diamondhead area. I-10 Diamondhead exit.

18 The applicant is requesting to dredge all the
19 canals within south Diamondhead. Paradise Bayou is the main
20 canal that services Diamondhead. That will be approximately
21 6,730 linear feet. The channel width is approximately 80 to
22 110 feet. The final depth proposed for the dredging is six
23 feet below mean low water. Secondary canals, a total of
24 approximately 11,000 linear feet. Dredge width approximately
25 20 to 40 feet. And also six feet below mean low water is the

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1 final depth, proposed depth.

2 And finally, the marina area, 450 feet by 250
3 feet to a depth of six feet below mean low water.

4 Since the project covers a large area, three
5 diagrams. This is the hydrographic bathorhythmic data supplied
6 to the department. The greener areas are depths usually about
7 five to six feet. When you start getting into kind of the
8 hotter colors, the yellows and the reds, those are indicators
9 of shallower water.

10 So you can see a lot of these secondary canals
11 here have been impacted by previous storms, runoff, that
12 nature, and there is probably still a lot of Katrina debris in
13 these smaller canals, as well. There have been a few spot
14 dredging permits that have taken place within it, but nothing
15 very widespread.

16 Here is kind of a middle section showing again
17 the main canal and some of the smaller canals.

18 And finally, the easternmost area of
19 Diamondhead, the marina, and then the last four canals on the
20 eastern end.

21 Here is a picture from just a typical shot down
22 one of the smaller side canals. You have most of the area is
23 bulkheaded. There are some lots that are not bulkheaded. And
24 again, you have various stages of repair on some of these
25 bulkheads, as well.

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1 Here's a shot looking west down the main canal
2 known as Paradise Bayou, much wider waterway.
3 The benefits of the project include increased
4 accessibility and restoration of navigable depths to the waters
5 of this area for residential property owners and the general
6 public that may be utilizing the marina.
7 The project is allowable within the general use
8 and commercial fishing and recreational marinas district.
9 Similar projects have been approved. No
10 precedent setting effects are anticipated.
11 Dredging will result in a temporary increase in
12 turbidity of these manmade canals, and the effects can be
13 greatly minimized by adhering to best management practices,
14 placing turbidity screens around dredge site, and the dredging
15 will also result in a decrease in number of benthic organisms.
16 Maintenance dredging will result in removal of
17 approximately 125,000 cubic yards of material. And the
18 waterbottoms associated with this project are privately owned.
19 They're not state owned waterbottoms, and as such, they're not
20 subject to the beneficial use statute that we have.
21 For the time being, the material will be placed
22 in adjacent onsite uplands. But there may be a modification
23 down the road to where this material may be used for beneficial
24 use. We would come back before the commission if that's the
25 case later on.

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1 Best management practices will be implemented
2 throughout the maintenance dredging project. And the applicant
3 will be required to maintain a minimum ten foot buffer between
4 any wetland areas. And the applicant has also agreed to have a
5 ten foot setback from the shoreline protection devices that are
6 in place, any bulkheads. So no chance of undermining those.
7 No additional sites were considered as this is a
8 maintenance dredging project located in previously dredged
9 manmade canals.
10 The site has been dredged previously, and
11 necessary equipment will only be present during dredging
12 activities.
13 Any impact to the scenic qualities of the area
14 will be temporary while the work is underway.
15 Notification of the project appeared in the Sun
16 Herald and Sea Coast Echo. We received two comments in support
17 of the project. We had one comment that drainage ditches and
18 bulkheads be repaired prior to any dredging activity. We can't
19 make people repair their bulkheads or get a bulkhead before
20 they dredge. And we had a comment that the canals to the east
21 of the marina be included in the project. There was some
22 miscommunication on that. The canals on the east end, east of
23 the marina, wouldn't be included, but they will be included.
24 DEQ is currently reviewing the project.
25 Archives & History has no objections. Best management

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1 practices should be properly implemented according to Wildlife,
2 Fisheries & Parks. And Secretary of State's Office, the
3 project is not located in the public trust tidelands.
4 And based upon staff's review, the project is
5 consistent with the Coastal Program because it serves a higher
6 public purpose by providing safe navigational depths for
7 residential property owners and the boating public. So staff
8 recommends approval of the requested permit.
9 MR. TAYLOR: Questions?
10 MR. GOLLOTT: Yes. Let's go back to the
11 beneficial use of the mud. Is there a site close to -- first
12 of all, is it our call?
13 MR. CHRISTODOULOU: We can't make the call on
14 this because the waterbottoms aren't state owned. So since
15 they are not state owned waterbottoms, they do not have to
16 abide by that statute. If the waters were state owned
17 waterbottoms, they would have to have a beneficial use site
18 considered. They'd have to do the testing.
19 As of now since they're private waterbottoms, we
20 don't -- I don't think the statute has the authority to make
21 them do the beneficial use.
22 However, there is an indication with meeting
23 with the applicants and their agent that down the road that
24 might be something that they would like to do.
25 But right now, they're not --

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1 MR. GOLLOTT: Do we have an area down there that
2 we could use the mud?
3 MR. CHRISTODOULOU: Not yet. As far as I know,
4 there's not a beneficial use site at all in Hancock County. I
5 think it's being worked on.
6 MR. DRUMMOND: Greg, who's paying for it?
7 MR. CHRISTODOULOU: I guess that's going to be
8 the property owners association.
9 MR. DRUMMOND: Each property owner is going to
10 pay for his fair share?
11 MR. CHRISTODOULOU: The property owners
12 association is the group of all the property owners in the
13 Diamondhead area, so I think they pay dues, and --
14 MR. DRUMMOND: They call it a Diamondhead
15 marina, Paradise Bayou.
16 MR. CHRISTODOULOU: Yes. So it's all the
17 property owners in Diamondhead pay into the property owners
18 association, so I imagine there's --
19 MR. DRUMMOND: They've all agreed to pay for it,
20 huh?
21 MR. CHRISTODOULOU: As far as I know.
22 MR. DRUMMOND: I hope we didn't spend a lot of
23 money for nothing.
24 MR. CHRISTODOULOU: Well, I don't think any
25 governmental agencies will be funding any of this dredging.

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1 MR. GOLLOTT: Mr. Chairman, I'll make the motion
2 that we approve this permit.

3 MS. BRANTLEY: Commissioner Gollott, I have a
4 little more information on the beneficial use.

5 For the record, my name is Willa Brantley.

6 We've been talking about the marsh to the south,
7 and it shows up in one of the pictures. Actually, that marsh
8 right there is directly to the south of where they're going to
9 be doing a lot of the dredging.

10 We're looking into whether they can dredge and
11 then later deposit spray the material on the marsh. There's
12 not enough research at this time to do a permit for that. But
13 it is being looked at by their agent, by our beneficial use
14 people, it's being discussed.

15 So if that works out where we think we can do
16 the thin layer deposit and it will be a benefit rather than
17 harming the marsh, we'll come back and present that as the
18 alternative.

19 MR. GOLLOTT: Good. I was basing mine that we
20 didn't have an area to discharge the permit, so...

21 MS. BRANTLEY: It's not approved as of yet, but
22 we're looking into getting it approved if we think it will
23 ultimately be beneficial.

24 MR. GOLLOTT: Good. Thank you very much.

25 MR. DRUMMOND: Is it a manmade canal, Willa?

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1 Here is a picture of the area. The launch is
2 here, and this is the east jetty.

3 The project serves a higher public purpose by
4 restoring safe navigational depths and improving access to the
5 public launch.

6 The project is allowable within the general use
7 district.

8 Similar projects have been approved, and no
9 precedent setting effects are anticipated.

10 There will be a temporary increase in turbidity
11 during dredging operations and a loss of benthic organisms
12 within the dredging area.

13 Best management practices will reduce any
14 adverse impacts.

15 No offsite alternatives have been considered.

16 This is a maintenance dredging project. The same channel path
17 that was previously dredged will be followed, and no new areas
18 will be dredged.

19 The project will not change the location of the
20 navigation channel and should not affect the natural scenic
21 qualities.

22 Notification was placed in the Sun Herald and
23 Mississippi Press. The only comment that we received was a
24 comment from the adjacent property owner, and he has commented
25 on past projects. And he has concerns that any work done at

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1 MS. BRANTLEY: It is.

2 MR. TAYLOR: We have a motion on the floor. Do
3 we have a second?

4 MR. BOSARGE: So second.

5 MR. TAYLOR: All those in favor. Passes
6 unanimous. Thank you.

7 d. Jackson County Board of SUprrvisors

8 MR. CHRISTODOULOU: The final item I have for
9 your consideration is a request for permit modification by the
10 Jackson County Board of Supervisors located on the Mississippi
11 Sound, Ocean Springs. It's in the general use district. And
12 the agent is Seymour Engineering.

13 And it's for a project that I believe the
14 commissioners are very familiar with, and that's Lake Mars.
15 Lake Mars boat launch located down here in Gulf Park Estates,
16 Highway 90, Highway 57.

17 It's a maintenance dredging project for the
18 first 300 feet out from the existing boat launch. Dredge area
19 is 300 feet by 50 feet to a final depth of five feet below mean
20 low water. There will be approximately 3,000 cubic yards of
21 material removed, and that material will be utilized for
22 beneficial use at the Deer Island beneficial use site.

23 Here is a diagram of the dredging. Here you see
24 it's the first 300 feet between the jetties, the existing
25 jetties, from the boat launch.

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1 the Lake Mars boat launch may cause erosion to his property.

2 So he again asked what he has asked in previous permits
3 modifications that the county has requested that we document
4 that he does have shoreline loss and that the county is
5 monitoring his property to document any losses that he has.

6 DEQ is reviewing the project. Archives &
7 History has no objections with the project. Secretary of
8 State's Office has said the project will require a tidelands
9 lease. And Wildlife, Fisheries & Parks has best management
10 practices will be properly implemented with the project.

11 And based upon our departmental review, the
12 project is consistent with the Coastal Program because it
13 serves a higher public purpose by restoring safe navigational
14 depths in the launch area. Staff recommends approval of the
15 requested permit modification with condition that the applicant
16 shall continue to monitor the shoreline owned by the western
17 adjacent property owner as required in the previous permit
18 modification.

19 MR. TAYLOR: Any questions?

20 MR. GOLLOTT: Why would the Secretary of State
21 -- for a channel? I mean, I can understand building or
22 something like that. But a channel?

23 MR. CHRISTODOULOU: I think that was -- it's
24 just a maintenance dredging project. I think it may need to be
25 amended. But I think since -- I may have put the long heading

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1 under there. I don't think it will require a lease after all.
2 MR. GOLLOTT: Mr. Chairman, I'll make a motion
3 that we accept and issue this permit.

4 MR. TAYLOR: Second?

5 MR. BOSARGE: So second.

6 MR. TAYLOR: Those in favor. Passes unanimous.

7 Thank you.

8 e. Signet Maritime Corporation

9 MS. WITTMANN: Good morning. My name is
10 Jennifer Wittmann. I'll be presenting the next item on the
11 agenda.

12 This is a request for a permit by Signet
13 Maritime Corporation located on the Pascagoula River at 3802
14 Port River Road in Pascagoula. This is in the industrial
15 development use district, and the agent is Seymour Engineering.

16 This is the location of Signet Maritime
17 Corporation, 619, Highway 90, and Market Street in Pascagoula.

18 The applicant is seeking authorization to dredge
19 the channel 580 feet in length, approximately 60 feet in width,
20 to a depth of 20 feet below mean low water, to dredge within a
21 existing keyhole boat slip 120 feet in length, 100 feet in
22 width, to a depth of 20 feet below mean low water; 23,435 cubic
23 yards of material will be removed. They are requesting
24 authorization to replace 950 linear feet of bulkhead, construct
25 150 feet of new bulkhead, and approximately 0.051 acre of

1 safe manner and expand business and also increase tax revenue.
2 The project is allowable within the industrial
3 development use district.

4 The applicant is seeking two variances to the
5 Mississippi Coastal Program. That vertical face structures
6 shall be aligned no further waterward than mean high tide, and
7 the permanent filling of coastal wetlands because of potential
8 adverse and cumulative environmental impacts is discouraged.

9 Both of these variances are justified because
10 the activity requires a waterfront location, there is a
11 significant public benefit, and a public hearing has been held.

12 Similar projects have been approved by the
13 commission, and no precedent setting effects are anticipated.

14 The loss of benthic organisms during dredging
15 operations can be expected, as well as a loss of waterbottoms
16 due to the construction of the bulkhead. But the applicant
17 again is creating 0.02 acre of waterbottoms by widening the
18 existing keyhole boat slip, and that will offset the impact to
19 0.051 acre of waterbottoms.

20 A total of 43,435 cubic yards of material is
21 proposed for removal. And the applicant has proposed that the
22 dredge material be taken to a beneficial use site if
23 appropriate.

24 Best management practices will be utilized
25 during all phases of construction.

1 non-vegetated state owned waterbottoms will be filled landward
2 of the new and proposed bulkheads.

3 As mitigation for the impacts to state owned
4 waterbottoms, the applicant is proposing to widen the existing
5 onsite keyhole boat slip by 12 feet. This will create 0.082
6 acre of new waterbottoms which will be deeded to the state.
7 And the dredge material will be tested prior to the
8 commencement of dredging, and if suitable, it will be utilized
9 for beneficial use at an approved beneficial use site.

10 The shaded area is the area that will be
11 dredged. This is within the existing keyhole boat slip within
12 the Pascagoula River. The bulkhead will be constructed along
13 this line.

14 The area in green is the area that is proposed
15 to be filled. Currently, the bulkhead ends here, and then
16 there's riprap in this area. I have a picture that shows that
17 better so you will be able to see the area.

18 This is the area of the bulkhead that will be
19 replaced. This is that area with the riprap that will be
20 filled. So the existing bulkhead will extend out, and this
21 area of waterbottoms will be filled. It's currently not
22 usable. And this is the existing keyhole boat slip.

23 The project will facilitate water access by
24 commercial and industrial marine vessels, allowing Signet
25 Maritime Corporation the ability to continue operating in a

1 No offsite alternatives have been considered
2 since this is an expansion of an existing facility.

3 A vessel repair and maintenance facility does
4 require a waterfront location.

5 The project is located in an area that is
6 currently an industrial commercial area and should not impact
7 scenic qualities.

8 Notification of the project appeared in the Sun
9 Herald as required. No public comments were received. And a
10 public hearing was held on September 9, 2013, and no public
11 comments were received.

12 DEQ is currently reviewing the project.

13 Archives & History has no reservations. Secretary of State's
14 Office has stated that the project will require a tidelands
15 lease. And Department of Wildlife, Fisheries & Parks has
16 recommended best management practices, including the dredging,
17 take place between the months of May and September when Gulf
18 sturgeon are least likely to be in the area area.

19 The Pascagoula River industrial area is one of
20 the industrial and port areas special management areas listed
21 in Chapter 6 of the Mississippi Coastal Program which
22 encourages effective utilization of existing waterfront
23 industrial sites.

24 Based on departmental review and evaluation, it
25 has been determined that the project is consistent with the

1 Mississippi Coastal Program because it will have a significant
2 public benefit. Therefore, staff recommends approval of the
3 project and the two variance requests.

4 MR. TAYLOR: Any questions?

5 MR. BOSARGE: If the dredge materials do prove
6 to be able to be used in a beneficial site, do you know which
7 one it would be used in?

8 MS. WITTMANN: I'm not sure. Probably Round
9 Island.

10 MR. BOSARGE: Sounds like we're going to be
11 putting a bunch of stuff in Round Island, so that's good.

12 I'll make a motion.

13 MR. TAYLOR: We have a motion on the floor. Do
14 we have a second?

15 MR. BOSARGE: I make the motion we accept
16 staff's recommendations.

17 MR. TAYLOR: Do we have a second?

18 MR. GOLLOTT: I'll second.

19 MR. TAYLOR: All those in favor. Opposed?

20 Thank you.

21 MS. WITTMANN: Thank you.

22 f. Maritime Development Center

23 MR. DAVIS: Good morning. I'm James Davis.

24 I'll be presenting the last two items on our agenda.

25 We have a request for permit modification by

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1 permitted. And then they are doing away with that. They're
2 going to fill in this area for a marine launch for large
3 oceangoing barges and vessels.

4 Just a picture of the project area. You can see
5 Trinity in the background.

6 Public benefits of the project include increased
7 employment opportunities for construction of boat slip and
8 bulkhead structures and the employment opportunities from
9 contracts received to manufacture vessels.

10 The project is allowable in the designated
11 industrial development use district.

12 They are seeking two variances to this project.

13 The first being vertical face structures shall be aligned no
14 further waterward than the existing mean high tide. And the
15 second would be permanent filling of coastal wetlands because
16 of potential adverse and the cumulative environmental impacts
17 are discouraged.

18 This is being justified saying the activity
19 requires a waterfront location, there is significant public
20 benefit in the activity, and a hearing has been held.

21 Similar projects have been approved, and no
22 precedent setting effects are anticipated.

23 The proposed bulkhead construction and fill
24 would result in permanent loss of 1.2 acres of waterbottoms of
25 which a sixteenth of an acre which is 6950 square feet of

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1 Maritime Development Center. It's located on Gulfport Lake off
2 Seaway Road in Gulfport. It's in the industrial development
3 use center, and the agent is Billy Culpepper from Culpepper &
4 Associates.

5 You see the project location here. Here's
6 Gulfport Lake south of I-10 in Gulfport.

7 A little bit zoomed in view. It's between
8 Trinity Yachts and the Dock in Gulfport off Gulfport Lake.

9 Previously authorized structures: A bulkhead
10 970 feet long, a keyhole boat slip, maintenance dredging, and
11 debris removal in the form of the existing piers and pilings.
12 And the applicant is currently seeking to abandon this project.

13 Instead, here they are proposing a bulkhead 970
14 feet long and filling of 1.2 acres of unvegetated tidal
15 waterbottoms of which .16 acre is public trust tidelands.

16 Diagram of the proposed project. The existing
17 shoreline is this area here. And they're proposing to bring
18 the bulkhead out into the water directly adjacent to the
19 federal channel.

20 MR. TAYLOR: Would you back up a couple of
21 slides?

22 Did I mishear you or something that they're
23 going to abandon the other permit, a keyhole boat slip?

24 MR. DAVIS: Right. They're abandoning this
25 project. You see here the keyhole boat slip that was

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1 public trust tidelands. If the appropriate mitigation for the
2 impact is completed, the overall effect should be minimized
3 and/or eliminated.

4 Due to the nature of the launch system, no
5 alternative designs were considered.

6 No additional sites were considered. An
7 alternative site was not feasible due to the expenses needed to
8 relocate the existing shipyard.

9 The site is located in an industrial area with
10 other shipbuilding facilities located adjacent to the site.
11 Scenic qualities should not be impaired by the proposed
12 project.

13 Notification was published in the Sun Herald on
14 these dates. We received no comments.

15 A hearing was held on September 4, 2013. No
16 comments were received. DEQ is currently reviewing the
17 project. Archives & History has no objections. Wildlife,
18 Fisheries & Parks, best management practices should be
19 implemented. And the project will require a tidelands lease
20 with the Secretary of State's Office.

21 Bernard Bayou Industrial Park is one of the six
22 industrial and port areas special management area listed in
23 Chapter 6 of the Coastal Program which encourages effective
24 utilization of existing waterfront industrial sites.

25 Based upon staff evaluation, it has been

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1 determined that the project is for a water dependent industry,
 2 will improve operations and diversification into barge
 3 construction, and the project also has a public benefit by
 4 increasing local tax base and creating jobs. Therefore, we
 5 recommend approval of the variance request and issuance of the
 6 permit with the condition that the applicant either create a
 7 sixteenth of an acre of tidal waterbottoms and deed the area to
 8 the Secretary of State, or pay \$25,248 to the coastal preserves
 9 program to compensate for the permanent loss of coastal
 10 wetlands.

11 The amount will be utilized for wetland
 12 preservation, enhancement, restoration, and/or creation.

13 MR. TAYLOR: Questions?

14 MR. GOLLOTT: When would this project start?

15 MR. DAVIS: I'm thinking they're hoping as soon
 16 as they get all their permits in line.

17 MR. GOLLOTT: You know, this pains me because
 18 I've caught some beautiful speckled trout right there.

19 Mr. Chairman, I make a motion that we approve
 20 the permitting.

21 MR. TAYLOR: We have a motion. Do we have a
 22 second?

23 MR. BOSARGE: So second.

24 MR. TAYLOR: All those in favor. Passes
 25 unanimous.

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1 MR. DAVIS: Thank you.
 2 g. Paul A. Lea, Jr.
 3 MR. DAVIS: Next we have a request for after the
 4 fact permit by Paul Lea, Jr. It's located on an unnamed canal
 5 adjacent to Acadian Bayou at 5040 East Midway Drive in Pass
 6 Christian. It's in the general use district.

7 Project location here. It's on the eastern side
 8 of Mobile Bay just south of where the Wolf River -- or Bay St.
 9 Louis where the Wolf River empties out into the Bay.

10 Zoomed in location. Mr. Lea's property is right
 11 here. This is East Midway Drive. This is Arcadia Farm Road.
 12 And then this is Mr. Lea's boathouse here at the dead end of
 13 the canal.

14 The project description. The applicant has
 15 constructed structures outside the scope of the issued
 16 exclusion and is seeking after the fact authorization to retain
 17 the structure.

18 He was previously permitted for an access pier
 19 29 feet by 4 feet, a pier 37 feet by 4 feet, another pier 46 by
 20 8, an open sided covered boathouse 30 by 30 and no more than 25
 21 feet in height.

22 Unauthorized structure. The open sided covered
 23 boathouse was constructed 30 by 30 and 31 feet in height.

24 Total shading associated with the project is
 25 1416 square feet.

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1 Just a diagram of the boathouse as constructed.
 2 A picture of the boathouse.
 3 Some project chronology:
 4 On June 19, 2012, staff presented the violation
 5 to the commission. The commission then ordered Mr. Lea to
 6 bring the boathouse into compliance, issued a \$1500 fine. The
 7 commission also ordered that if the violation was not compliant
 8 within 60 days an additional fine of \$500 a day be levied for
 9 each day after August 18, 2012, and the project be forwarded to
 10 the attorney general's office for enforcement action.

11 On July 3, 2012, staff presented a petition for
 12 reconsideration from Mr. Lea.

13 On July 17, 2012, it was presented to -- the
 14 petition for reconsideration was presented to the commission.
 15 The petition was denied.

16 September 11, 2012, staff forwarded the
 17 violation to the attorney general's office.

18 July 20, 2013, staff received an after the fact
 19 application for the boathouse as constructed.

20 The project does not serve a higher public
 21 purpose.

22 The project is allowable within the general use
 23 district.

24 Similar projects have been approved, and no
 25 precedent setting effects are anticipated.

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1 Pile supported structures should have a minimal
 2 impact on biological integrity and productivity.
 3 Project has been completed, and no other adverse
 4 impacts are anticipated.

5 No other offsite alternatives have been
 6 considered because this is a private residence and the project
 7 serves to allow the homeowner access to the water.

8 The boathouse as currently constructed 31 feet
 9 above mean high tide is taller than other structures in the
 10 area and would impact natural scenic qualities to a greater
 11 extent.

12 Public notice ran in the Sun Herald on these
 13 dates. No comments were received.

14 DEQ is reviewing the project. Archives &
 15 History had no reservations. Secretary of State, no
 16 reservations.

17 And based upon departmental review and
 18 evaluation, staff recommends the commission approve the after
 19 the fact request and issue a fine in accordance with
 20 Mississippi Code 49-27-51.

21 The violation was discovered February 28, 2012.
 22 The violation duration has been 487 days.

23 Decision factors: Mr. Lea has had two previous
 24 violations at the site and is aware of the permitting process.
 25 Mr. Lea was previously told by DMR and legal staff that the

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1 roof on his boathouse could only be one foot ten inches high
2 over the deck because the boathouse measured 23 feet 2 inches.
3 Mr. Lea was informed of this violation in March 2012 and did
4 not attempt to bring it into compliance. The commission gave
5 Mr. Lea additional time to apply for authorization, and then
6 Mr. Lea did apply afterwards but withdrew his application
7 because he felt it was not appropriate. And Mr. Lea has
8 previous outstanding fines.

9 And Mr. Lea has a representative here if you
10 guys have any questions.

11 MR. DRUMMOND: Yes. Why in the hell did you
12 accept the permit from him period?

13 MR. DAVIS: Was that directed to me or Mr. --

14 MR. DRUMMOND: You said on July 20, DMR received
15 after the fact application for the boathouse as constructed.

16 MR. DAVIS: Yes.

17 MR. DRUMMOND: I mean, he owes all these fines,
18 and he's still going to apply for a permit to do whatever he
19 wants to do? It doesn't make sense to me.

20 MR. DAVIS: Well, that was at the -- I believe
21 at the time the commission was giving Mr. Lea an opportunity to
22 apply to keep the boathouse as it was.

23 MR. TAYLOR: He could still apply for after the
24 fact permit at any time probably according to statute.

25 MR. DAVIS: Yes, sir.

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1 somewhat or changed certainly the precedent in regards to roof
2 height in which Dr. Zimmerman's application from Hancock
3 County, you granted him I believe an after the fact permit or
4 an exception, some nomenclature that you've given to it, which
5 effectively said you can have a 25 foot roof height or be no
6 greater than 14 feet above base flood elevation.

7 And Mr. Lea's roof, as constructed well before
8 that, falls within those changes to your precedent. He comes
9 in at 11 feet above base flood elevation.

10 So a month after the commission assessed the
11 fine and rejected his motions for reconsideration, effectively
12 that changed, and I would say that would de facto maybe perhaps
13 authorize that roof height he has now.

14 We became engaged with this case shortly after
15 it went to enforcement with Mr. Runnels, and we've had long
16 discussions about the case on a kind of litigation track
17 thinking this is going to end up in Chancery Court from either
18 an enforcement perspective or some type of action on Mr. Lea's
19 behalf to try to address these issues.

20 What we both agreed on, I should say I would
21 think that Joe agreed on this, that this would be a case best
22 left to your discretion and not necessarily one that we want to
23 go spend Joe's time and effort or the commission or the
24 department's time and effort and my client's resources to go to
25 court and spend another 18, 24, 36 months litigating this

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1 MR. TAYLOR: It has nothing to do with the
2 fines, you know.

3 MR. BOSARGE: Wasn't it for Mr. Lea that we
4 changed the rules from 25 foot to allow an up -- in other
5 words, was that prior to the change of rules?

6 MR. DAVIS: It was -- I believe Mr. Zimmerman
7 had applied before that rule came into effect. That was Mr.
8 Zimmerman who had applied and gotten after the fact
9 authorization for his structure that was over 25 feet in
10 height.

11 But it was within a month or two's time frame.

12 MR. TAYLOR: Joe Runnels, did you want to shed
13 some light?

14 MR. RUNNELS: No, sir. I was just moving up in
15 case I needed to say something.

16 MR. TAYLOR: Sit back down.

17 MR. SCHMITT: Good morning. My name is Chris
18 Schmitt. I'm with Fowler Rodriguez. We represent Mr. Lea.

19 I understand the concerns of the commission. I
20 want to put maybe some context, some more information to you,
21 that will ring some bells.

22 I know Mr. Lea's name is probably familiar to
23 you unfortunately in this regard because he's been before the
24 commission a couple of times.

25 The August meeting of your commission changed

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1 issue.

2 So, you know, that's why I'm back here today.

3 That's why we kind of moved off this enforcement litigation
4 track back to the permit side and ask that you consider the
5 fact that he is, as effective essentially last August, the
6 change in the roof height allowances permit him to have that
7 roof as it was constructed, and let him pay -- he was assessed
8 a \$1500 fine. Mr. Zimmerman with the same infraction received
9 a lesser fine. We're here today. We'd like to pay the \$1500
10 fine and receive after the fact permit. And then you'll never
11 see hopefully any of us again if y'all would consider that.

12 And I can answer any questions if you have any.

13 MR. TAYLOR: I'd like for Joe, would you

14 comment?

15 MR. DAVIS: Might I make a note?

16 MR. TAYLOR: Go ahead.

17 MR. DAVIS: I'd just like to point out that Mr.
18 Lea's petition was denied due to him withdrawing his
19 application. Therefore, the commission had no application to
20 consider granting a permit upon.

21 MR. RUNNELS: I think Chris adequately stated
22 what we have agreed to and what we discussed and why we're back
23 here before you.

24 MR. TAYLOR: Any other questions?

25 MR. GOLIOTT: The fine that was levied on him,

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1 was it because of the roof?
 2 MR. SCHMITT: Yes.
 3 MR. GOLLOTT: What is the recommendation?
 4 MR. DAVIS: We don't really have a
 5 recommendation. After discussing this with legal counsel, we
 6 have decided to leave it up to the commission to decide upon
 7 the recommended fine.
 8 I have some numbers if you all would like to
 9 hear them.
 10 MR. GOLLOTT: Let's hear your numbers.
 11 MR. DAVIS: Minimum would have been \$50, of
 12 course. The maximum, \$243,500. We were prepared to recommend
 13 four thousand with a \$2500 fine plus the fifteen hundred that
 14 was unpaid from the previous violation.
 15 MR. GOLLOTT: But the previous violation was
 16 based on the roof.
 17 MR. DAVIS: Yes, sir.
 18 MR. GOLLOTT: I don't have a problem with that.
 19 MR. SCHMITT: What we're asking, Mr. Gollott, is
 20 I want to distinguish, there was a prior violation and an
 21 assessment. I want to distinguish between that and this
 22 application. I don't think it would be proper to assess it
 23 different with an additional fine in that regard for the same
 24 thing. We've been kind of at a standstill from an appeal and
 25 an enforcement action going back a year.

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1 So the fact that he's made another application,
 2 either those two be coalesced into the -- it's my request -- to
 3 the \$1500 fine, but not to have the prior assessment and the
 4 subsequent assessment of the fine, just one.
 5 MR. GOLLOTT: Mr. Chairman, I'd like to make a
 6 motion that we go ahead and issue the after the fact permit
 7 with a \$1500 fine to be paid in 30 days.
 8 MR. DAVIS: Yes, sir.
 9 MR. GOLLOTT: All right.
 10 MR. TAYLOR: We have a motion. Do we have a
 11 second?
 12 MR. BOSARGE: I second the motion.
 13 MR. TAYLOR: All those in favor. Thank you.
 14 MR. SCHMITT: Thank you for your time, sir.
 15 MR. TAYLOR: I think that concludes y'all's?
 16 MR. DAVIS: Yes, sir. That concludes coastal
 17 zone.
 18 MR. TAYLOR: Is Rusty still here -- Pittman?
 19 Did you want to come forward, Rusty?
 20 Okay. Is Charlie Stevens here? Okay. Charlie.
 21 Public comments.
 22 Charlie, give me a minute. I'm sorry. I didn't
 23 see (h). Give me a few minutes.
 24 Office of finance and administration. That's
 25 what happens when you get old like me and take your glasses

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1 off.
 2 I. Office of Finance and Administration
 3 1. FY14 Monthly Report
 4 MS. VESA: Good morning. My name is Kara Vesa.
 5 Today I'll be talking about our finance numbers for FY14 as of
 6 August 31, 2013.
 7 The revenues as of August 31 totaled
 8 \$3,842,059.25.
 9 General funds and offroad fuel tax remained the
 10 same.
 11 License sales at \$202,036.29.
 12 Fines and penalties, \$1,974.
 13 Permits and dredging, \$4,894.52.
 14 Interest, \$20,146.43.
 15 And miscellaneous revenues at \$333.01.
 16 Our expenditures as of August 31 in these budget
 17 categories:
 18 Salaries, \$1,013,394.
 19 Travel, \$113.
 20 Contractual, \$229,942.
 21 Commodities, \$49,725.
 22 And equipment, \$9,080.
 23 For a total expenditures of \$1,302,254.
 24 Our projected revenues have not changed from
 25 last month which remain at \$5,595,351.

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1 And likewise our set expenditures projected
 2 remain at \$7,294,677.
 3 And that concludes my presentation if there are
 4 any questions.
 5 Thank you.
 6 MR. TAYLOR: Thank you.
 7 Next up is Melissa Scallan, public affairs.
 8 J. Directorate
 9 1. Public Affairs
 10 MS. SCALLAN: Good morning, commissioners,
 11 Director Miller, Ms. Chesnut.
 12 Since the last commission meeting on August 20,
 13 we have been mentioned in about 30 times in newspapers, TV
 14 station stories, radio spots, across the coast, the state, and
 15 the nation.
 16 We have also increased our presence in social
 17 media. We have a coastal cleanup facebook page that has been
 18 getting a lot of hits because of the upcoming event on October
 19 19. We have a twitter account that we use regularly. So we're
 20 hoping to keep that up and increase that presence in social
 21 media.
 22 We also are participating in many outreach
 23 events. In the past month, we have had employees at the Carl
 24 Leggett fishing tournament, the Lipton Cup sailboat
 25 championship, and the D'Iberville Moose Lodge kids fishing

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1 rodeo. This past weekend was the Biloxi Seafood Festival, and
2 we had representatives at that event both days.

3 This weekend, we are participating in the Woods
4 & Water Expo at the Convention Center. Don't go to the
5 Coliseum for that because it's the bull riding at the Coliseum.
6 The Expo is at the Convention Center. Unless you want to see
7 the bull riding, of course.

8 We will have representatives all three days on
9 that.

10 We also have upcoming is Cruisin' The Coast
11 October 6 through 13.

12 And, of course, we have coastal cleanup is
13 October 19. We generally expect between 2,000 and 3,000
14 volunteers for that.

15 So if you have any questions, I'll be glad to
16 take them.

17 Thank you.

18 MR. TAYLOR: Thank you.

19 Rusty? Rusty Pittman.

20 MR. PITTMAN: Thank you, Mr. Chairman. I just
21 wanted to tell Dale Diaz congratulations, too, on his
22 retirement.

23 And a lot of people don't know this, but back in
24 1990, we both came on board as marine conservation officers.
25 He went to the academy in Jackson three months before I did,

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1 ahead.

2 MR. STEVENS: First off, my name is Charlie
3 Stevens. I operate the Capistrano Drayage.

4 I need to thank the Department of Marine
5 Resources, specifically Scott and Ms. Ruth.

6 We're being right now in the midst of our
7 discovery trying to figure out how we can make what we do work
8 with what is currently available in the legislature for the off
9 bottom cultivation.

10 I just want to thank y'all and hope you will be
11 patient with us.

12 Thank you.

13 MR. TAYLOR: You're welcome. Thank you.

14 I think Commissioner Gollott has some questions.

15 MR. GOLLOTT: I was involved myself in off
16 bottom depuration and had some patents and everything which ran
17 out. I'm very interested in seeing you succeed in this off
18 bottom cultivation.

19 Exactly what are you proposing to do?

20 MR. STEVENS: We use natural substrate shell
21 stock, set the spat to the stock, and it's suspended. It keeps
22 it up off the bottom, keeps it out of the predation. It's real
23 easy to monitor.

24 MR. GOLLOTT: Good luck on it. Like I say, any
25 way we can help you, we will. Thank you.

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1 and we both served together in the field.

2 And I'll never forget one of the helpful hints
3 that he gave me when I showed up at the academy, he was getting
4 ready to graduate that week, whatever they say, just do it,
5 don't say anything about anything, just do it. And I said
6 okay. And that rule did help me get through.

7 But he did get promoted to lieutenant on the
8 west district, and I served under him as one of his officers.
9 And we're really going to miss Dale when he leaves. And we
10 really got along great, fisheries and law enforcement, as his
11 time as director over fisheries.

12 But I also want to let him know that I did put a
13 GPS tracking device on his boat when he does go fishing we'll
14 know where he's at.

15 Congratulations, Dale.

16 (Applause.)

17 MR. TAYLOR: Any other business?

18 Public comments. Mr. Charlie Stevens. And we
19 appreciate your patience in dealing with the agenda change, but
20 we figured we were going to have a much longer meeting than
21 what we did, so we did that.

22 And just so you'll know that the commission has
23 and the department has received your application and the packet
24 that you sent and are reviewing it, too.

25 And then any comments you want to make, go

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1 MR. STEVENS: I'm looking forward working with
2 you all. Thank you.

3 MR. BOSARGE: And the areas where you're
4 planning on trying to make this happen?

5 MR. STEVENS: We're still looking at the
6 discovery site. There's places that we worked in the past,
7 some of you may be familiar with the Cat Island project a few
8 years back, couple of decades back, but there are some leases
9 that are currently held, Crystal Seas has some leases. I think
10 that there's sites available that will fit within the
11 parameters of 22.

12 MR. BOSARGE: Are you thinking more in areas
13 that are in protected waters or in open waters?

14 MR. STEVENS: Again we're back to the discovery,
15 what will work, what will be -- what the regulations are, how
16 we can make it fit.

17 MR. GOLLOTT: One of the things you might want
18 to look at is what we did was actually dredge the oysters in
19 polluted areas, put them in trays. They grow, and that would
20 cut your time down the line when they grow.

21 So you might want to look at that.

22 And the legislation and everything is all set up
23 to do that in Mississippi. And like I said, we'd be glad to
24 help you in any way we can. Thank you.

25 MR. STEVENS: On behalf of myself and a bunch of

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COMMISSION ON MARINE RESOURCES

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I, Norma Jean Ladner Soroe, Certified Shorthand Reporter, do hereby certify that to the best of my skill and ability I have reported the meeting of the Commission on Marine Resources and that the foregoing 82 pages constitute a true and correct transcription of said meeting held on the 17th day of September 2013.

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

Witness my signature this the 3rd day of October 2013.

NORMA JEAN LADNER SOROE, CSR #1297
Certified Shorthand Reporter

1 people who are looking for jobs, we all thank you.
2 MR. BOSARGE: Are you going to kind of mimic
3 what's going on in the western part of Alabama?
4 MR. STEVENS: It's hard to describe. All you
5 see from the surface would be a float.
6 MR. BOSARGE: Yeah. I read your proposal.
7 MR. STEVENS: There's several different types of
8 cultivation. One is a ten foot wire, five foot wire, with
9 stock attached to it. It hangs in the water column. Other
10 practices are baskets that hold the specie in place. There's
11 other systems.
12 This is what we found that works is profitable.
13 MR. BOSARGE: Good. We'll support you, at least
14 I will, the best we can.
15 MR. STEVENS: Thank you.
16 MR. TAYLOR: Thank you.
17 Okay. Shelby, do you have a motion?
18 MR. DRUMMOND: I make a motion we adjourn, Mr.
19 Chairman.
20 MR. TAYLOR: Do I have a second?
21 MR. GOLLOTT: Second, Mr. Chairman.
22 MR. TAYLOR: Okay. I'm sorry. Anybody that
23 wants directions to the NERR, they have them in the back. I
24 couldn't read sign language.
25 We have a motion and a second on the floor to

1 adjourn. All those in favor.
2 Thank you.
3 (Meeting adjourned 11:15 a.m.)
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