

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, October 21, 2014
10:00 o'clock, a.m.
Jackson County Board of Supervisors Meeting Room
2915 Cnty Street
Pascagoula, Mississippi 39568

Commission Members:

- Richard Gollott, Chairman
Shelby Drummond, Vice Chairman
Steve Bosarge
Ernie Zimmerman

Also Present:

- Jamie M. Miller, Executive Director DMR
Sandy Chestnut, Esq., Assistant Attorney General

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COMMISSIONER GOLLOTT: I call this meeting to order. I would like to welcome everyone, and I would like to thank the folks in Pascagoula for furnishing us with this fine facility.

Let's have the Pledge of Allegiance, now. (Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER GOLLOTT: I would like to recognize Senator Brice Wiggins who is with us today. Welcome, sir.

BRICE WIGGINS: Thank you.

COMMISSIONER GOLLOTT: Next we have approval of the minutes.

Do we have any modifications? (No response.)

COMMISSIONER GOLLOTT: With no modifications, do we have a motion to accept?

COMMISSIONER DRUMMOND: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER ZIMMERMAN: Second.

COMMISSIONER GOLLOTT: All those in favor? (All in favor.)

COMMISSIONER GOLLOTT: Opposed? (None opposed.)

COMMISSIONER GOLLOTT: The motion passes. We have approval of the agenda.

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1 Do we have any modifications?
2 (No response.)
3 COMMISSIONER GOLLOTT: With no modifications, do
4 we have a motion?
5 COMMISSIONER ZIMMERMAN: Motion to accept the
6 agenda.
7 COMMISSIONER GOLLOTT: We have a motion.
8 Do we have a second?
9 COMMISSIONER BOSARGE: I'll second it.
10 COMMISSIONER GOLLOTT: All those in favor?
11 (All in favor.)
12 COMMISSIONER GOLLOTT: Opposed?
13 (None opposed.)
14 COMMISSIONER GOLLOTT: Motion carries.
15 Next, we have the Executive Director's report.
16 JAMIE MILLER: Mr. Chairman, I have no report,
17 other than mentioning there are cases that Counselor
18 Chestnut will go through.
19 SANDY CHESTNUT: The first case we have are the
20 matters of Tommy O'Brien, 013114-1, Matthew Glenn, 013114-
21 2, Justin Bounds, 013114-3, and Robert Braun, 013114-4,
22 and the charge is possession of Red Snapper during closed
23 season.
24 On January 31st, 2014, a compliance check of
25 commercial fishing vessel was conducted in Krebs Lake.

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1 Four Red Snapper were discovered on top of the ice in
2 the center-forward fish box.

3 Mr. O'Brien advised that they had just unloaded
4 the day's catch at Clark's Seafood and he didn't know the
5 red snapper were still on the boat.

6 Mr. Glenn stated that he had forgotten to unload
7 the red snapper at Clark's Seafood.

8 Enforcement Action Reports for possession of red
9 snapper during closed season were issued to all passengers
10 on board.

11 Mr. O'Brien submitted a written response, dated
12 March 4th, 2014, basically, saying that it was dark and
13 that he forgot to unload the fish.

14 Mr. Braun submitted a written response, dated
15 September 2nd, 2014.

16 Mr. Braun, I think, is here and may want to
17 address the Commission about his response.

18 If you want to go ahead and come forward, sir.
19 ROBERT BRAUN: Yes, ma'am.

20 As I stated in my written response, I was
21 invited to go on a fishing trip on a commercial charter
22 boat, fishing boat. I had never been on one. I was told,
23 before the trip, that I could not keep any fish, that I
24 could only catch fish which was okay with me because I
25 didn't want red snapper anyway.

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1 We went fishing out in the Gulf, came back to
2 Pascagoula and went to the fish-processing place.

3 I was on the back of the boat. It was very
4 cold. I stayed on the back of the boat. The boat was
5 unloaded.

6 We left that dock about, it seemed like, two
7 hours later, pulled out, and BMR pulled up, put lights on
8 us, and said the Captain didn't have running lights.

9 Then, they told the Captain, "Okay. Get some running
10 lights. You can go ahead."

11 The boat pulls off and got about maybe a hundred
12 yards and blue lights came back on.

13 I heard the Captain ask the BMR person, "What's
14 wrong? You said we could go."

15 And he said, "Yes, you could go, but we just got
16 a call from Biloxi, Mississippi, and they told us to stop
17 you again."

18 So they stopped him, and there was a
19 conversation going on in the bow of the boat which I
20 didn't hear all of it, but the conservation officer got on
21 the boat and checked the boat and found red snapper on the
22 boat.

23 Well, to tell you the truth, I didn't know the
24 snapper were there, but, if I did, I didn't know it was
25 illegal to keep them there. I was just invited on a

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1 fishing trip. They got me as part of the crew. I guess,
2 since I went fishing with these people, I was part of the
3 crew, but I didn't have anything to do with catching -- I
4 mean, bringing snapper back, or keeping snapper.

5 I didn't have anything to do with unloading the
6 boats. I was just a guest.

7 I mean, you can do what you want with me, but I
8 feel that I got caught in the middle of a situation that I
9 didn't know anything about.

10 I have heard rumors, from different conservation
11 officers, that the individual I was fishing with, they
12 were kind of on the lookout for him.

13 I don't know anything about the guy. I had
14 never met him, before that day. Mr. Glenn invited me on
15 the trip. I do know him. He was my niece's boyfriend.

16 I have never been in Pascagoula fishing before.
17 I've been fishing sixty-five years in Mississippi. I have
18 never had a citation. I fish. I have two boats. I keep
19 both of them up with all the equipment. I get checked
20 eight, ten, fifteen times a year. I have never had a
21 citation, and I'm wondering why I'm being charged for
22 something I didn't have anything to do with.

23 Thank you for your consideration.

24 SANDY CHESTNUT: Thank you.

25 Is there anyone else, in this case, that is here

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1 in the audience that would like to address the Commission?

2 FROM THE FLOOR: (Indicating).

3 SANDY CHESTNUT: Come forward and state your
4 name, please.

5 MATT GLENN: I'm Matt Glenn, and I hate to take
6 the blame for everything because, you know, we did have
7 some other people on the boat, but I was in charge of
8 unloading the fish.

9 After Tom told me not to put any fish in the
10 front hold, I had already caught four fish, threw them in
11 the front hold, of course, and, then, I gutted all of the
12 fish in the back, as Tom weighed them, and Bobby and
13 Justin sat on the back.

14 Really, what I'm saying is that it is pretty
15 much a hundred percent my fault. I wasn't keeping the
16 snapper out of date, or anything like that. I don't eat
17 snapper. I just go with Tom to help him out, and I forgot
18 to unload them. Thank you.

19 COMMISSIONER BOSARGE: Excuse me, Matt.

20 Mr. Chairman, may I ask a question?

21 COMMISSIONER GOLLOTT: Sure.

22 COMMISSIONER BOSARGE: Just so we are all clear,
23 in other words, you went on a Federally-permitted vessel,
24 called in ahead of time, went out and caught the fish,
25 called in, reported your catch, unloaded it at a specific

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1 dealer.

2 I guess, my point is you had four fish aboard
3 the vessel that you weren't supposed to have, but you
4 actually did everything you were supposed to do that
5 allowed you to catch those fish. So what we are dealing
6 with is either --

7 MATT GLENN: (Interposing) This is really a
8 hundred percent what happened. The four fish that were in
9 the front were the four biggest fish that we had. At the
10 plant that we unload at, Clark's Seafood, they like
11 smaller fish. So we put the four fish in the front to
12 throw in the bottom of the vat, and, then, throw all of
13 the smaller fish on top so he won't dock Tom's pay, and I
14 forgot to get them out. It's all my fault because I was
15 in charge of unloading the boat and I didn't do it.

16 COMMISSIONER BOSARGE: I just wanted to make
17 sure that everybody understood that you didn't actually
18 leave the dock to go catch illegal red snapper. You were
19 legally catching red snapper.

20 MATT GLENN: Yes, sir.

21 COMMISSIONER GOLLOTT: I'm unsure.

22 what is illegal here?

23 COMMISSIONER BOSARGE: Because they were in
24 possession of the fish. In other words, a commercial
25 vessel is not allowed to keep any fish. When they went

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1 and unloaded, they had to unload every fish. When they
2 left the unloading dock and were headed back to their
3 dock, they were still in possession of four red snapper
4 which is illegal. You are not allowed to have fish in
5 your possession. In other words, you can't keep any fish.
6 You have to bring them in and sell all of them.

7 MATT GLENN: We dropped them off, and I forgot
8 to unload them myself. I don't think Bobby Braun, or Tom
9 O'Brien, or Justin Bounds, should be paying for what I
10 have done.

11 SANDY CHESTNUT: Thank you.
12 Is there anyone else, on this case, that is here
13 that would like to address the Commission?

14 (No response.)

15 SANDY CHESTNUT: Seeing none, based on the
16 documentation that was contained in the file, the
17 Executive Director found that the allegations had merit
18 and recommended that the Commission impose administrative
19 penalty against Mr. O'Brien and Mr. Glenn in the amount of
20 one thousand dollars each and an administrative penalty
21 against Mr. Bounds and Mr. Braun in the amount of five
22 hundred dollars each.

23 All the supporting documentation, including
24 photographs of the fish, have been provided to each member
25 of the Commission.

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1 All the violators, in this case, have been
2 notified that this matter will be presented today.

3 The Commission may accept, reject, or modify,
4 the Executive Director's recommendation, upon motion.

5 COMMISSIONER BOSARGE: I know Mr. Glenn takes
6 full responsibility, but you also have the boat owner
7 involved.

8 I understand the two gentlemen that were fishing
9 with you were just there to help.

10 I would like to make a motion that we fine Mr.
11 Glenn and Mr. O'Brien five hundred dollars each and
12 suspend the fines on the two other gentlemen that were
13 fishing, Mr. Braun and Mr. Bounds.

14 COMMISSIONER GOLLOTT: We have a motion.
15 Do we have a second?

16 COMMISSIONER ZIMMERMAN: I'll second it.

17 COMMISSIONER GOLLOTT: A motion has been made
18 and seconded.

19 Do we have any more discussion on this?

20 COMMISSIONER BOSARGE: Just one thing, Mr.
21 Glenn, be sure you unload the fish from now on.

22 MATT GLENN: Yes, sir.

23 COMMISSIONER GOLLOTT: All those in favor say
24 aye.

25 (All in favor.)

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1 COMMISSIONER GOLLOTT: Opposed?

2 (None opposed.)

3 COMMISSIONER GOLLOTT: The motion passes.

4 Thank you.

5 MATT GLENN: Thank you.

6 SANDY CHESTNUT: In the next case, on the
7 agenda, are Shannon Poole and Archie Williams.

8 Sufficient notice was not sent out to these two
9 individuals, but I understand that Mr. Williams may be
10 here and wants to move forward.

11 Is that the case, sir?

12 ARCHIE WILLIAMS: Yes, ma'am.

13 SANDY CHESTNUT: So we will move forward with
14 Mr. Williams.

15 Mr. Poole is not here so I would ask for a
16 motion that we carry Mr. Poole's case over to next month.

17 COMMISSIONER GOLLOTT: Do we have a motion?

18 COMMISSIONER DRUMMOND: So moved, Mr. Chairman.

19 COMMISSIONER GOLLOTT: Do we have a second?

20 COMMISSIONER ZIMMERMAN: Second.

21 COMMISSIONER GOLLOTT: We have a motion and a
22 second.

23 All those in favor?

24 (All in favor.)

25 COMMISSIONER GOLLOTT: Opposed?

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1 (None opposed.)

2 COMMISSIONER GOLLOTT: The motion carries.

3 SANDY CHESTNUT: Thank you.

4 So we are looking at the Cause Number 101613-01
5 for Archie Carey Williams, and the charge is possession of
6 red snapper during closed season.

7 On October 16th of 2013, during a compliance
8 check of a recreational fishing vessel near the back of an
9 oil tanker in federal waters, at North 30.08.091/West
10 88.31.010, Mr. Poole advised that they had snapper, cobia,
11 dolphin and gag grouper on board.

12 Marine Patrol advised Mr. Poole that red snapper
13 season was closed.

14 Mr. Poole stated that he thought the season was
15 open, based upon what he had read and what other people
16 had told him.

17 Mr. Poole and Mr. Williams were both issued an
18 Enforcement Report for possession of red snapper during
19 closed season.

20 Mr. Poole did not respond to the violation.

21 Mr. Williams submitted two written responses to
22 the violation, basically, apologizing for the infraction,
23 that he was confused about the seasons, and the written
24 responses have been provided to the Commissioners.

25 Mr. Williams requested an informal settlement

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1 conference with the Executive Director, and that took
2 place on August the 15th, 2014.

3 Based upon the documentation in the file and the
4 violator's responses, the Executive Director found that
5 the allegations have merit and recommended that the
6 Commission impose administrative penalties against Mr.
7 Williams in the amount of five hundred dollars.

8 All supporting documentation has been provided
9 to the Commission, Mr. Williams is here, and the
10 Commission may accept, reject, or modify, the Executive
11 Director's recommendation, upon motion.

12 Mr. Williams, you may come and address the
13 Commission, if you would like.

14 ARCHIE WILLIAMS: Good morning and thank you for
15 hearing from me.

16 I didn't come this morning to give an excuse,
17 but to offer a reason. I am at fault and I was fishing, I
18 understand, out of season, and I do apologize for that to
19 the State and to everyone.

20 The reason for that -- I will just ask you to
21 consider this -- is because I was at fault, when I didn't
22 investigate the season extension, how long they had
23 allowed an extension onto the State waters, from what I
24 learned afterwards, the fact.

25 I didn't investigate what that meant to me and

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1 fishing. I was guilty. I just didn't understand. I did
2 not go fishing, knowing that the season was closed, and
3 that's just what I will ask you to consider. I am a
4 fisherman and a hunter mostly for a long time, and I do
5 not violate the law knowingly and willfully.

6 I just ask you to consider that, when you
7 determine my penalties for the violation.

8 COMMISSIONER GOLLOTT: Thank you, sir.

9 COMMISSIONER ZIMMERMAN: Mr. Williams, I have a
10 question.

11 You signed a statement saying that you caught
12 the four snapper.

13 Is that correct?

14 ARCHIE WILLIAMS: Yes, sir.

15 COMMISSIONER ZIMMERMAN: And, then, I'm looking
16 at another one from Mr. Poole saying that he caught the
17 four snapper.

18 Y'all both signed a statement saying that you
19 did something that, evidently, couldn't have happened and
20 be a true statement.

21 What is up with that?

22 ARCHIE WILLIAMS: I can't explain that. I don't
23 know who caught the four snapper. We were both aboard the
24 boat. I know that I caught some snapper, and I know that
25 he caught some snapper, but which snapper was caught, I'm

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1 sorry. I don't know.

2 COMMISSIONER ZIMMERMAN: That's just something
3 that I saw that I questioned. It looked like both of you
4 admitted to the same four snapper, and I just questioned
5 that.

6 COMMISSIONER DRUMMOND: Which one of you wants
7 to pay the five hundred dollars?

8 ARCHIE WILLIAMS: I will take that
9 responsibility because I was in error. I should have
10 checked and I didn't. I will assume that responsibility.

11 COMMISSIONER GOLLOTT: Thank you, sir. We
12 appreciate it.

13 Do we have a motion on this?

14 COMMISSIONER BOSARGE: I have a question.

15 Was it your vessel?

16 ARCHIE WILLIAMS: No, sir.

17 COMMISSIONER BOSARGE: It was Mr. Poole's
18 vessel?

19 ARCHIE WILLIAMS: Yes, sir. I was a guest.

20 SANDY CHESTNUT: If I could just clarify for
21 Commissioner Zimmerman. Typically, when the officers go
22 out and there are several people on a boat, they go ahead
23 and charge them all the same offense.

24 COMMISSIONER ZIMMERMAN: I can accept that, but
25 I have a statement from both of them taking

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1 responsibility. Somebody is telling a fib here somewhere.
2 They both signed a voluntary statement taking
3 responsibility, and I have to find out who is responsible.
4 That's why I'm questioning that.

5 SANDY CHESTNUT: Just to explain why they were
6 both charged.

7 JAMIE MILLER: Counselor Chestnut, can we get
8 some counsel from our Marine Patrol about what statements
9 were given and what they were?

10 SANDY CHESTNUT: Certainly.

11 JAMIE MILLER: I know this was a question
12 Commissioner Zimmerman had brought up previously about the
13 statements that each of these gentlemen had given.

14 Clearly, in our packet, we got a statement from
15 Mr. Poole, stating that he caught the four red snapper,
16 but I don't see that same statement in our packet. I just
17 want to make sure, before the Commission acts, that we are
18 given all the consideration to the circumstances.

19 SANDY CHESTNUT: I believe Officer Southern was
20 involved in this case and he is here.

21 Do you want to come forward, Rocky?

22 ROCKY SOUTHERN: Yes.

23 COMMISSIONER ZIMMERMAN: Did both fishermen, in
24 fact, sign a voluntary statement?

25 ROCKY SOUTHERN: No, sir, not that I recall. It

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1 was just the owner of the vessel, the master of the
 2 vessel. When we were doing our boarding, he was the one
 3 that signed a voluntary statement.
 4 COMMISSIONER ZIMMERMAN: Mr. Poole did?
 5 ROCKY SOUTHERN: Mr. Poole, yes, sir, as I
 6 recall.
 7 COMMISSIONER ZIMMERMAN: If this man admitted to
 8 it, I have a had time pressing charges on Mr. Williams for
 9 the same offense, and that's my whole point of this.
 10 I don't have any more questions.
 11 COMMISSIONER GOLLOTT: What about a motion?
 12 ROCKY SOUTHERN: May I make a recommendation?
 13 COMMISSIONER GOLLOTT: Yes, sir.
 14 ROCKY SOUTHERN: Just split the fine between the
 15 two gentlemen.
 16 COMMISSIONER ZIMMERMAN: Split the five hundred
 17 dollars?
 18 ROCKY SOUTHERN: Yes, sir, two fifty each.
 19 COMMISSIONER ZIMMERMAN: I feel that is
 20 acceptable.
 21 I would like to make a motion that we hold the
 22 five hundred dollar fine between the two as charged.
 23 SANDY CHESTNUT: Since Mr. Poole is not here, we
 24 can't technically take his up, but you can go ahead and
 25 assess the fine against Mr. Williams, since he is here.

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1 COMMISSIONER ZIMMERMAN: Mr. Williams, please
 2 come up.
 3 Would it be okay with you if we release Mr.
 4 Poole from these charges and fine you the five hundred
 5 dollars and y'all split it?
 6 SANDY CHESTNUT: Mr. Zimmerman, we can take Mr.
 7 Poole up at the November meeting.
 8 COMMISSIONER ZIMMERMAN: And release him?
 9 SANDY CHESTNUT: Well, you can do whatever you
 10 want to with it in November. Just do the two cases
 11 separately.
 12 COMMISSIONER DRUMMOND: So we can only charge
 13 Mr. Williams two hundred and fifty dollars?
 14 COMMISSIONER ZIMMERMAN: Right.
 15 SANDY CHESTNUT: You can charge whatever you
 16 want. You can only charge Mr. Williams today and it can
 17 be any amount that you feel is fair.
 18 COMMISSIONER ZIMMERMAN: I will make a motion,
 19 if I could, to charge Mr. Williams a two hundred and fifty
 20 dollar fine.
 21 SANDY CHESTNUT: Yes.
 22 COMMISSIONER GOLLOTT: Can I have a second?
 23 COMMISSIONER BOSARGE: Mr. Williams, I
 24 understand you didn't intentionally do that, but, in a
 25 way, the gentleman right prior to you didn't intentionally

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1 do that either, and, in an effort to be fair, I feel that
 2 you should have the same fine as he did. You were both,
 3 basically, ticketed for doing the same thing, possession
 4 of snapper in closed season.
 5 I'm sorry, but I would make a secondary motion
 6 that we fine Mr. Williams the five hundred dollars for
 7 having possession of red snapper in closed season.
 8 ARCHIE WILLIAMS: Could I say something else,
 9 please?
 10 COMMISSIONER BOSARGE: Yes, sir.
 11 ARCHIE WILLIAMS: I would like for you just to
 12 consider it was one day after the season closed.
 13 You were talking in reference to me about Mr.
 14 O'Brien, or were you referencing to me about the gentleman
 15 that was just a guest on his boat?
 16 COMMISSIONER BOSARGE: I was referencing Mr.
 17 O'Brien and Mr. Glenn.
 18 ARCHIE WILLIAMS: I was more or less just like
 19 the other gentleman in the blue shirt that was only a
 20 guest. That's where my position was on this vessel, the
 21 same as he was on that vessel.
 22 COMMISSIONER BOSARGE: You've got a valid point.
 23 COMMISSIONER GOLLOTT: We've got a motion on the
 24 floor that we have to deal with, first, Ernie's motion.
 25 Do we have a second on the motion to fine him

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1 two hundred and fifty dollars, Mr. Williams?
 2 (No response.)
 3 COMMISSIONER GOLLOTT: Without a second, that
 4 motion dies.
 5 Let me say this. You do realize this will
 6 affect you, if you get caught again on a second offense.
 7 I mean, this is not dead today. In other words, you are
 8 looking at a second, or third, offense if this compounds
 9 it.
 10 With that, do we have a second on Mr. Bosarge's
 11 motion for a five hundred dollar fine?
 12 COMMISSIONER DRUMMOND: I second the motion, Mr.
 13 Chairman.
 14 COMMISSIONER GOLLOTT: We have a motion and it
 15 has been seconded.
 16 All those in favor?
 17 (Commissioner Bosarge, Commissioner Drummond,
 18 Commissioner Gollott in favor.)
 19 COMMISSIONER GOLLOTT: Opposed?
 20 (Commissioner Zimmerman opposed.)
 21 COMMISSIONER GOLLOTT: Motion carries.
 22 I would like to recognize Michael Watson,
 23 Senator Michael Watson. He just came in. Thank you for
 24 being here, sir.
 25 MICHAEL WATSON: Thank y'all for being here.

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1 COMMISSIONER GOLLOTT: Marine Patrol.
 2 RUSTY PITTMAN: Good morning Mr. Chairman,
 3 Commissioners, Director Miller, and Ms. Chestnut.
 4 You will notice, on our report this month, we
 5 started tracking another item, fiscal year 15 and fiscal
 6 year 14 to date.
 7 For example, the very first one, shrimp
 8 violations, shrimping in closed water, we've got three.
 9 From July to September of last year, we had ten violations
 10 for shrimp violations. This year, from July to September,
 11 we had ten. That's the way it is going to read all the way
 12 through, tracking last year with this year, year to date
 13 and within the month.
 14 Crab violations, we had a total of seven this
 15 month.
 16 Live bait violations, we had one that we caught
 17 before legal time.
 18 We had one no seafood dealer's license.
 19 We had a total of forty-four fishing violations.
 20 We had a total of forty boat and water safety
 21 violations.
 22 As you can tell, fiscal year 15, this year,
 23 we've already have, from July, a hundred and ninety-six,
 24 compared to last year at this time with ninety-three. We
 25 are still having problems with boat and water safety

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1 violations.
 2 We had one marine litter violation.
 3 We had nine miscellaneous violations.
 4 We are still tracking the warnings. The past
 5 month, we had fifty-five warnings given out.
 6 Total stops for the month, two thousand eight
 7 hundred and nineteen.
 8 The fiscal year 15, this year, we have already
 9 had a total of five thousand seven hundred and eighty-
 10 seven stops, compared to two thousand five hundred and
 11 seventy-seven last year at this time.
 12 Boating accidents without injuries, we had two.
 13 Then, on our JEA report, we've had a total of
 14 fourteen patrols, a hundred and seventy-nine man hours,
 15 one hundred and five contacts, zero enforcement action
 16 reports, and State citations issued were three.
 17 Any questions?
 18 COMMISSIONER DRUMMOND: Yes, Rusty.
 19 Possession of red snapper during closed season,
 20 illegal possession of king mackerel, and illegal
 21 possession of cobia, was that all taken this month?
 22 RUSTY PITTMAN: Yes, sir, that was this past
 23 month, September. That was in State waters.
 24 COMMISSIONER DRUMMOND: Was king mackerel season
 25 illegal?

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1 RUSTY PITTMAN: It was closed, at that time.
 2 COMMISSIONER DRUMMOND: What about cobia?
 3 RUSTY PITTMAN: Illegal possession of cobia.
 4 They were undersized cobia.
 5 COMMISSIONER DRUMMOND: Thank you, Rusty.
 6 RUSTY PITTMAN: Yes, sir.
 7 COMMISSIONER GOLLOTT: Chief Davis.
 8 KEITH DAVIS: Good morning Mr. Chairman,
 9 Director, other Commissioners, and Counselor.
 10 I would like to say good morning to my friend,
 11 Michael Watson, and Senator Wiggins for being here as
 12 well.
 13 We wanted to give you an overview of our JEA
 14 final report for the year. It is important because the
 15 report is very complimentary of the Marine Patrol for
 16 2013.
 17 The coordinator, Brian Mattingly -- I hope I'm
 18 pronouncing that correctly -- personally called and
 19 discussed our report and, from a percentage perspective,
 20 Mississippi is leading the southeastern district.
 21 He is happy about our professional cases that
 22 were submitted in 2013 and the ideas that we have
 23 communicated to him on what we are going to do in the
 24 future.
 25 As I said, comparing us to the entire region

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1 that he oversees, percentagewise, we are leading the pack.
 2 This is a graph that he sent us and, as you can
 3 see, Mississippi is third to Louisiana and Texas
 4 (indicating slide).
 5 In the next slide, you will see an email that he
 6 sent out describing the percentages and the fact that we
 7 have fewer officers and our officers, compared to the area
 8 that we are responsible for, we had more activity than the
 9 two states that are in front of us, from a percentage
 10 perspective. That statement is sent from him, in an
 11 email, to our JEA coordinator.
 12 It is important to maintain the JEA program,
 13 mainly because of the funding that NOAA gives us. It
 14 allows us to offset our cost to patrol the State waters
 15 and help us out with our yearly budget, and I'm sure our
 16 two senators here present today will appreciate that.
 17 It also means continued strong partnership with
 18 our Federal partners in adjacent states, in helping us
 19 target and protect our marine resources.
 20 Our future plans for larger patrols. Currently,
 21 we are working with Louisiana, Alabama, Florida, and Texas
 22 is considering joining us, but we are going to lead a
 23 large JEA patrol and, after the first one is completed,
 24 obviously, we are going to take a look at consolidating
 25 our efforts with these other states to do these larger

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1 patrols in our waterways.

2 This administration's belief is, if we start
3 showing that we are partnered with our other states and
4 our Federal partners, it will send a strong message to
5 those would potentially violate the regulations on marine
6 fisheries and just help educate people that we are out
7 there and we are serious about protecting the resource
8 that we have.

9 This year's JEA program is going to be utilized
10 more for outreach programs. We want to instill educating
11 the public.

12 As this gentleman said (indicating), I strongly
13 feel that a lot of times people don't really intend to go
14 out there and violate the regulations that you oversee,
15 but, if we can take a strong approach in helping educate
16 the public through social media, websites, as well as
17 going out into the fishing public and talking to them,
18 from a JEA perspective where it is not costing the State,
19 we will protect our resource and not infringe upon our
20 fishermen as well, at the same time.

21 I think it is very important that we expand
22 these education seminars to the public.

23 There is currently a consolidated effort
24 underway which I talked about, with our partners in the
25 rest of the State, as well as us internally looking at our

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1 fleet that we have, now, our vessel fleet. We want to
2 provide the Executive Director with a strong picture of
3 what we have and what our needs are in the future.

4 By doing that -- obviously, he instructed me to
5 do it, the first thing, but, secondly, we want to make
6 sure that we are being good stewards of taxpayer dollars
7 and we have the best fleet available to us to where we can
8 do our job and do our job effectively, while increasing
9 productivity and trying to reduce the cost to do that.

10 Any questions on the JEA?

11 COMMISSIONER BOSARGE: I have one.

12 You talked about joining with the other states
13 and doing a broader patrol.

14 Could you give us a little insight as to what
15 you are talking about, as far as involving states and just
16 what you are planning to do?

17 KEITH DAVIS: Yes, sir.

18 Certainly, you are aware that NOAA, basically,
19 gives us authority to go into Federal waters and operate
20 as a Federal agent in Federal waters.

21 By consolidating our efforts, I think we reach a
22 wider area and we, basically, create a safety net across
23 the Mississippi Sound, the Gulf of Mexico, and, when an
24 individual who intentionally goes out and violates marine
25 fishery laws across the five states, when they know that

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1 we are joined together, I think it will send a message and
2 we will not have to write as many citations, while still
3 protecting the fisheries that we all appreciate in the
4 Gulf of Mexico.

5 I think, by doing that and continuously doing
6 it, we create this atmosphere that our cost to the State
7 of Mississippi will go down because we are utilizing
8 Alabama, Louisiana, Texas and Florida, and everyone knows
9 that we have that Federal funding behind us, as well as
10 NOAA, saying, if you go out there and violate these laws,
11 more than likely you are going to get caught because all
12 of these states are working together, talking to each
13 other more.

14 If you do something in Louisiana and get away
15 with it, the likelihood of you landing that fish back in
16 Mississippi is greater because they are working together.

17 COMMISSIONER BOSARGE: That's good.

18 You talked about the vessels you currently have,
19 the vessels you feel you need to complete the task with
20 the boats you have, now?

21 KEITH DAVIS: We have some work to do on our
22 vessel fleet. Working with the Executive Director, I
23 think we can get there and I think we can get there cost
24 effectively.

25 COMMISSIONER BOSARGE: The reason I asked the

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1 question is because, being from a fisheries background and
2 years and years of Federal fisheries management which is
3 what your JEA's are, NOAA really has never had an
4 enforcement division so they do the JEA's and you guys act
5 as their enforcement division.

6 I'm glad to see that you take your job seriously
7 because, like you said, you don't really necessarily have
8 to be there and write citations, as much as just be there,
9 be seen, be out there in the area, and most people will
10 take that for granted and abide by the rules. I'm glad to
11 see you are there and intend to be a little more involved.

12 KEITH DAVIS: Yes, sir. We certainly, in a
13 perfect world, wish we didn't have to write a ticket, but
14 there are cases where we do have to write tickets to get
15 people's attention, and that's where we are.

16 If there are no other questions about JEA, I did
17 want to make the Commission aware that, obviously, this
18 week we went back under the Personnel Board and the Marine
19 Patrol was no different from the rest of the agency where
20 we made some personnel changes, and I do want to recognize
21 nine people who are being promoted, in the ranks of Marine
22 Patrol.

23 For Senior Master Sargent, William Freeman, Jr.,
24 is being promoted, Richard T. May is being promoted, Scott
25 Chatham is being promoted, Matthew Kasovich is being

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1 promoted, and Jeffrey Payne, and these gentlemen certainly
2 deserve the promotions that they have received.

3 To the rank of Lieutenant, Bryce Gex is being
4 promoted and Jack Ewing is being promoted.

5 To the rank of Captain, Kyle Wilkerson is going
6 to be the Patrol Commander and Christopher Caldwell is
7 going to be in charge of investigations.

8 Investigation, as you know, is a new division
9 that we have created that I think is so vitally necessary
10 for the mission as we go forward.

11 I would like for you to join me in
12 congratulating these individuals on their accomplishments
13 in their careers.

14 (Applause).

15 KEITH DAVIS: We will be doing a pinning
16 ceremony. The Director and I are working together to come
17 up with a date on that, and you will get an invitation to
18 come and join them as they are pinned with their new
19 ranks.

20 Thank you.

21 COMMISSIONER GOLLOTT: Thank you, Chief. We
22 appreciate it.

23 Now, Joe Jewell.

24 JOE JEWELL: Good Morning Commissioners,
25 Director Miller, and Sandy.

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1 I would also like to welcome Senator Watson and
2 Senator Wiggins. It is always a pleasure to have our
3 elected officials here.

4 BRICE WIGGINS: I don't know. Some would say
5 it's not a pleasure to have us here.

6 JOE JEWELL: Well, Brice, it's always a pleasure
7 to have you here.

8 First up, we have a couple of regulatory actions
9 for your consideration.

10 Title 22 Part 2. The CMR passed the Notice of
11 Intent, on August the 19th. The legal notice appeared in
12 the Sun Herald, on September the 24th. Public notice
13 appeared, on the DMR webpage, on September the 24th. Pubic
14 comment period was September the 16th through October the
15 20th. That was a total of thirty-five days. There were no
16 public comments received.

17 Outline of the major changes. Statement was
18 added, in Chapter 5 Section 106, making it unlawful for
19 any person to drag or pull a trawl, or trynet, under the
20 water with bag tied, or untied, in territorial waters of
21 Mississippi which are closed to shrimping.

22 I'm going to read those changes as they appear
23 in the title, for the public record.

24 Section 106.

25 "It shall be unlawful for any person, firm, or

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1 corporation, to drag or pull a trawl, or try net, under
2 the water, with the bag tied, or untied, in any area of
3 the territorial waters of the State of Mississippi which
4 are closed to shrimping.

5 "Further, it shall be unlawful for any person,
6 firm, or corporation, to drag or pull double or multiple
7 rigs under the water with bags tied, or untied, in any
8 area of the territorial waters of the State of Mississippi
9 which are closed to the use of double rigs, or in waters
10 which are closed to the use of that size, type, or number,
11 of rigs."

12 I will need a motion to adopt the final draft.

13 COMMISSIONER BOSARGE: So moved.

14 COMMISSIONER GOLLOTT: Do we have a second?

15 COMMISSIONER ZIMMERMAN: Second.

16 COMMISSIONER GOLLOTT: Any discussion?

17 (No response.)

18 COMMISSIONER GOLLOTT: All those in favor say
19 aye.

20 (All in favor.)

21 COMMISSIONER GOLLOTT: Opposed?

22 (None opposed.)

23 COMMISSIONER GOLLOTT: The motion carries.

24 JOE JEWELL: Thank you.

25 The second regulatory action for your

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1 consideration is Title 22 Part 9, Mandatory Red Snapper
2 Reporting Program.

3 The CMR passed the Notice of Intent, on
4 September the 16th, 2014. The legal notice appeared in the
5 Sun Herald, on September the 25th, 2014. The public notice
6 appeared, on the DMR webpage, on September the 25th, 2014.
7 The public comment period was from September the 16th to
8 October the 20th, 2014, for a total of thirty-five days.
9 No public comments were received.

10 Outline of the major changes. Statements were
11 added, in Part 9 in Chapter 11 Section 100, providing
12 provisions for reporting requirements, making it mandatory
13 for the owner, or captain, of any vessel recreationally
14 harvesting red snapper to complete a harvest report.

15 I will read into the public record those
16 changes, as they will appear in the title.

17 Chapter 11, Section 100.

18 "Persons engaged in recreational fishing in
19 waters under the jurisdiction of the MDMR, or landing fish
20 in Mississippi, shall be required to furnish information,
21 including a harvest report, pertaining such fishing, to an
22 information confidentiality officer. The owner, or
23 caption, of any vessel recreationally harvesting red
24 snapper is hereby required to complete a harvest report by
25 the MDMR."

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1 Section 101.

2 "Charter boat, or head boat, captains operating
3 in Mississippi waters shall be required to complete
4 questionnaires furnished by the MDMR for each trip.
5 Completed questionnaires shall be furnished to an
6 information confidentiality officer upon request."

7 Motion to adopt the final changes to Title 22
8 Part 9.

9 COMMISSIONER GOLLOTT: Do I have a motion?

10 COMMISSIONER ZIMMERMAN: I make a motion to
11 adopt the final changes to Title 22 Part 9.

12 COMMISSIONER GOLLOTT: We have a motion.

13 Do we have a second?

14 COMMISSIONER BOSARGE: I'll second it.

15 COMMISSIONER GOLLOTT: Any more discussion?
16 (No response.)

17 COMMISSIONER GOLLOTT: All those in favor say
18 aye.

19 (All in favor.)

20 COMMISSIONER GOLLOTT: Opposed?

21 (None opposed.)

22 COMMISSIONER GOLLOTT: Motion carries.

23 JOE JEWELL: Thank you, Commissioners.

24 Next on the agenda is an update by Mr. Bill
25 Richardson on our Hydrological Monitoring Program.

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1 BILL RICHARDSON: Good morning Commissioners,
2 Director Miller, Ms. Chestnut.

3 I'm going to give you just a quick update on our
4 joint effort, with the United States Geological Survey and
5 DMR, on our Hydrological Monitoring Program.

6 It is a joint agreement that began in 1998.

7 This provides valuable real-time hydrological
8 data which is updated every fifteen minutes. We've got
9 salinity, gage height which is roughly tide, turbidity,
10 and water temperature throughout the Mississippi Sound.

11 It is a useful tool for management of marine
12 fisheries and it also is a useful tool for recreational
13 and commercial fishermen, or just people interested in the
14 weather and the water out in the Mississippi Sound.

15 It can be easily accessed through our website.

16 This is just an example. I believe it's at
17 Point Cadet, the mechanics of one of these things. It's
18 got an antenna, obviously a data logger, and a sensor
19 that's in the water (indicating slide).

20 This is where you can go on our website, and we
21 have just added -- if you go to the map of the DMR/USGS
22 sites, you will come up with this map, and you can click
23 on any one of these sites, and it will take you directly
24 to the information (indicating slide).

25 Currently, we have eleven sites that DMR and

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1 USGS manage. There are three other sites that are of use
2 to people here on the Coast. These are paid for through
3 other agencies (indicating slide).

4 This is an example of the information you can
5 get off of there. You can get it in graph form, you can
6 get it in number form, and you can get historical data.
7 You can go back as long as they have been running and get
8 information. Like I say, you've got salinity there,
9 turbidity, and things of that nature (indicating slide).

10 We just recently added a site to Graveline at
11 the boat ramp there, just right here in August (indicating
12 slide).

13 Do y'all have any questions about the sites?

14 COMMISSIONER BOSARGE: How long have we been
15 doing this?

16 BILL RICHARDSON: Since '98 for DMR.

17 If you go to USGS, they have sites throughout
18 the country. They monitor all our rivers and streams.

19 COMMISSIONER BOSARGE: Are all of them within
20 Mississippi State waters?

21 The reason I asked is that tower looks familiar
22 and it's about nine miles offshore, the one by Ship
23 Island.

24 BILL RICHARDSON: The one by Ship Island is
25 right off the end of East Ship Island. Then, you will

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1 notice there is one right out in the Biloxi marsh. That's
2 not one of our sites. All of our sites are in State
3 water.

4 COMMISSIONER BOSARGE: Thanks.

5 COMMISSIONER GOLLOTT: Thank you, Bill.
6 Appreciate it.

7 BILL RICHARDSON: Thank you.

8 JOE JEWELL: For your final consideration today

9
10 COMMISSIONER GOLLOTT: (Interposing) Joe, can I
11 ask you to do something?

12 JOE JEWELL: Sure.

13 COMMISSIONER GOLLOTT: I'm very proud of the
14 meeting we had.

15 Would you give us a report on the oysters, or do
16 you want to do it at a different time?

17 JOE JEWELL: I'm sorry, Commissioners. There
18 are a couple of things I meant to mention to y'all. I
19 usually give y'all the quota updates. I apologize for
20 that.

21 Of course, the red drum and spotted sea trout I
22 reported to you last month have closed.

23 Flounder, the quota is seventy-four thousand
24 pounds. We are at, right now, just over twelve thousand
25 pounds, leaving sixty-one thousand pounds remaining.

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1 I did want to mention we are projecting a lower
2 than average oyster season this year, actually a very poor
3 oyster season, and I do want to note the Commission has
4 been very active, very proactive actually, in trying to
5 seek out ways to remediate the poor season.

6 I do want to note that, on September the 25th,
7 the entire Commission met with scientists at Gulf Coast
8 Research Lab and held an oyster workshop where they
9 discussed oyster management, recruitment, mortality, and
10 over harvesting, among other things, to gain information
11 to try and work with the DMR and GCRL to find better ways
12 to manage our oyster resources.

13 Then, again, on October the 3rd, Commissioner
14 Gollott and DMR staff and Executive Director Miller met
15 with our FDA Regional Specialist John Veazey to discuss
16 ways to improve area classification and explore ways to
17 potentially open more areas to shellfish harvesting.

18 I do, also, want to note that last week Gulf
19 States Marine Fisheries Commission met here on the Gulf
20 Coast in Biloxi, and, the Technical Coordinating Committee
21 recommended that the Oyster Subcommittee convene and
22 compile information, rules and regulations for the Gulf
23 states that would consist of how the Gulf states could
24 transport oyster larvae and spat across state lines.

25 Then, the actual Commissioners met themselves

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1 and discussed ways that they could seek grants to support
2 perhaps a couple of what are called mega hatcheries where
3 they could support the state's low production on their
4 natural reefs.

5 I do want to note that the Commission has been
6 very proactive in seeking out ways to augment the
7 projected low harvest for this year's oyster season, and
8 we appreciate that.

9 COMMISSIONER GOLLOTT: Thank you, sir.

10 JOE JEWELL: The final presentation is State
11 records.

12 With conventional tackle, we had one State
13 record. The new State record is Longspine Porgy,
14 *Stenotonus Caprinus*. The angler is Steven Frye. The new
15 record is fourteen point seven-two ounces.

16 Here is a photograph of the fish. This is a
17 photograph of the angler (indicating slides).

18 Motion to adopt?

19 COMMISSIONER BOSARGE: Motion to adopt.

20 COMMISSIONER DRUMMOND: I will second that.

21 COMMISSIONER GOLLOTT: All those in favor?

22 (All in favor.)

23 COMMISSIONER GOLLOTT: All opposed?

24 (None opposed.)

25 COMMISSIONER GOLLOTT: Motion carries.

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1 JOE JEWELL: We appreciate it.

2 COMMISSIONER GOLLOTT: While we are talking
3 about oysters, at the last meeting I think it was, we had
4 some people explain to us why the basket dredges were
5 detrimental to our reefs.

6 Would the staff look into and come up with some
7 motions on how we can exclude the basket dredges from
8 Mississippi to keep from destroying the reefs in the
9 future?

10 JOE JEWELL: We most certainly can do that.

11 COMMISSIONER GOLLOTT: One more thing, we are
12 going to have a bad oyster season. It doesn't look like
13 you are going to be able to open anything, or you said you
14 are not going to open anything but the tonging reefs.

15 Do you want to lower the sack limit, or do you
16 want to do something, maybe lower the amount of small
17 oysters?

18 I think it's a ten percent toleration of small
19 oysters.

20 Are there any modifications you want to make
21 with that?

22 JOE JEWELL: Currently, right now, the way the
23 regulation rules, when a law enforcement officer is
24 measuring the legal size oyster which is three inches,
25 seventy-five millimeters, they are allowing undersize of

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1 approximately ten percent.

2 Right now, the staff is not recommending
3 anything other than that.

4 Sandy, correct me if I'm wrong.

5 The Commission does have the legal authority, or
6 the statutory authority, to consider, for other reasons,
7 lowering the legal size limit under certain conditions.

8 Am I correct?

9 SANDY CHESTNUT: I would have to research that
10 specific point.

11 JOE JEWELL: I think under certain conditions,
12 like, in the stance where we open the Bonnet Carre, they
13 are able to deplete the reef down to significant
14 resources.

15 SANDY CHESTNUT: There are certain emergency
16 provisions. Whether this circumstance would meet that, I
17 would have to look at it further.

18 JOE JEWELL: Right now, Commissioner Gollott,
19 under the conditions that we have and with the best
20 science available, we are not recommending that. We are
21 considering our options. We haven't made our
22 recommendations to Executive Miller yet. We are getting
23 very close to that. We are doing some more sampling.

24 COMMISSIONER GOLLOTT: So you haven't come up
25 with any projected opening of the oyster reefs?

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1 JOE JEWELL: We are considering several dates,
 2 right now. We are in discussions with Director Miller.
 3 COMMISSIONER GOLLOTT: Director Miller has the
 4 authority to open it, at his discretion?
 5 JOE JEWELL: He does.
 6 COMMISSIONER GOLLOTT: I just wanted to clarify
 7 that.
 8 JOE JEWELL: We have met with him two, or three,
 9 different times, now, and we are discussing several
 10 potential dates with him and several different sack
 11 limits. He is aware of several different options that we
 12 are discussing with him, but no final decision has been
 13 made yet.
 14 COMMISSIONER GOLLOTT: I think George Storrs, a
 15 tonger, recommended we lower the sack limit to make it
 16 last longer for the fishermen, and you might want to
 17 consider that.
 18 JOE JEWELL: I have spoken with him, and we are
 19 in agreement with that. I think we are all on the same
 20 page.
 21 COMMISSIONER GOLLOTT: Thank you.
 22 COMMISSIONER BOSARGE: Joe, I want to thank you
 23 for putting that meeting together with Gulf Coast Research
 24 Lab. It was very educational.
 25 JOE JEWELL: well, the staff appreciates and I

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1 know Director Miller appreciates that this is an issue
 2 that is very dear to his heart. We appreciate the
 3 Commission being so energized and so proactive about this
 4 particular issue because we are projecting a very poor
 5 oyster season this year, and we do appreciate your
 6 attention to the matter.
 7 COMMISSIONER GOLLOTT: At this time, I would
 8 like to ask Mr. George Storrs if he wants to say
 9 something. He's got a request.
 10 George, if you would, come up and state your
 11 name.
 12 GEORGE STORRS: Good morning. My name is George
 13 Storrs. I'm an oyster fisherman. I love this building.
 14 If they put some rocket engines on it, it would look like
 15 they are going into space.
 16 I love you guys, too, and the senators and other
 17 people that show up for these meetings.
 18 I would like to make an amendment to what I
 19 suggested last meeting which was eight sacks. Make it
 20 seven sacks. That's what I would do. I would cut it by
 21 one more.
 22 We cut it from twelve to eight, but I found out
 23 that the other states -- well, one over to the west of us
 24 is going to have a six sack limit. I was thinking eight
 25 sacks is protecting this thing, but seven sacks is even

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1 more protection, and it will last a little longer. Then,
 2 we might hit the jackpot. I doubt it, but we just don't
 3 know. Unless you guys still want to go with the eight
 4 sacks, seven sacks are fine with me, but that's the only
 5 thing I would change about it, and, then, open the season
 6 tomorrow. I would like to do that, but I know we can't.
 7 Whenever you say it's open, fine, and with the
 8 seven sack limit is the only thing I'm saying.
 9 Thank you for letting me speak.
 10 COMMISSIONER GOLLOTT: Thank you, George.
 11 JOE JEWELL: If there are no other questions,
 12 that concludes Marine Fisheries.
 13 COMMISSIONER GOLLOTT: Thank you, Joe.
 14 Coastal Resource Management, Mr. Jan Boyd.
 15 JAN BOYD: Good morning Mr. Chairman,
 16 Commissioners, Director Miller, Ms. Chestnut, Senator
 17 Wiggins and Senator Watson.
 18 Coastal has two agenda items for your
 19 consideration this morning, and Jennifer Wittmann will be
 20 our first presenter.
 21 JENNIFER WITTMANN: Good morning.
 22 The first item, on our agenda today, is a
 23 request for permit by the Harrison County Board of
 24 Supervisors, located on Mallini Bayou in Pass Christian.
 25 This is in a General Use District, and Covington Civil and

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1 Environmental is the agent.
 2 The applicant is seeking authorization to repair
 3 and enhance two existing jetties, install a low-profile
 4 bulkhead, and dredge twenty-five hundred cubic yards of
 5 material from the mouth of Mallini Bayou.
 6 The project location is indicated by the yellow
 7 thumbtack. You can see Highway 90 and West Bayview
 8 (indicating slide).
 9 The applicant is seeking authorization to
 10 maintenance dredge an existing channel eight hundred and
 11 thirty feet in length and twenty-five feet in width, from
 12 an existing average depth of two and a half feet below
 13 mean low water, to a proposed depth of five feet below
 14 mean low water. There will be no more than twenty-five
 15 hundred cub feet yards of material removed.
 16 They are also seeking authorization for one
 17 hundred and ten feet of low-profile bulkhead to protect
 18 the emergent vegetation, a twenty foot extension of an
 19 existing jetty to the north, and one hundred and twenty-
 20 five feet of jetty to the south.
 21 The applicant is also requesting a variance to
 22 Chapter 8, Section 2, Par III.D.1 of the Mississippi
 23 Coastal Program which states that vertical face structures
 24 shall be aligned no further waterward than mean high tide.
 25 this will be for the construction of a low-profile

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1 bulkhead in front of emergent vegetation.

2 This picture shows the existing south jetty.
3 It's a very dilapidated wooden structure, at this time,
4 and this will be the north jetty. This is the emergent
5 vegetation that will be protected by the low-profile
6 bulkhead (indicating slides).

7 This is an overall project picture. You can see
8 the channel. It is eight hundred and thirty feet in
9 length and twenty-five feet in width. The south jetty
10 will be just to the north of the dilapidated wooden jetty,
11 and, then, there will be a twenty foot extension of the
12 existing northern jetty (indicating slide).

13 This zooms in on the area. The low-profile
14 bulkhead will go just waterward of the existing emergent
15 vegetation (indicating slide).

16 This is a cross section of the jetty profile.
17 This is the sheet pile for the low-profile bulkhead, and
18 the dredging (indicating slide).

19 The project serves a higher public purpose by
20 restoring safe navigational depths and providing public
21 access to and use of the waterways.

22 The project is allowable within the General Use
23 District.

24 The applicant has requested a variance to
25 Chapter 8, Section 2, Part III.D.1 of the Mississippi

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1 Coastal Program and justified that under Chapter 8,
2 Section 2, Part I.E.2.c.iv which states that the activity
3 requires a waterfront location, there is significant
4 public benefit in the activity, and a public hearing has
5 been held.

6 Maintenance dredging, jetties for the protection
7 of navigation channels, and flow-through, or low-profile,
8 bulkhead for the protection of emergent vegetation have
9 been approved by the Commission in the past and this is
10 not expected to set a precedent.

11 There are no shellfish, or FAB's, found in the
12 area. There will be a temporary increase in turbidity
13 during dredging; however, it should not exceed the DEQ
14 water quality guidelines. There will be a loss of benthic
15 organisms.

16 The construction of a low-profile bulkhead will
17 protect emergent vegetation from impacts induced by
18 increased boat traffic and the dredging operations.

19 The construction of the jetty will serve to
20 protect the newly dredged channel from shoaling.

21 The proposed low-profile bulkhead is intended to
22 protect the adjacent marsh vegetation from the indirect
23 impacts, due to the proposed dredging and increased boat
24 traffic. The applicant will be required to monitor the
25 area, following completion of the dredging and

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1 construction of the bulkhead and mitigate for any indirect
2 impacts to emergent vegetation,

3 The repair and enhancement of the existing
4 southern jetty will not extend any further westward than
5 the existing wooden jetty. The jetties will serve to
6 protect the newly dredged channel from shoaling.

7 The applicant explored several options. The
8 first was taking no action. The second was dredging the
9 channel without the installation of the bulkhead and
10 leaving a ten-foot buffer between the marsh vegetation and
11 the dredging. The third was dredging the channel and
12 removing, or relocating, the marsh vegetation.

13 All these options were rejected because of
14 impacts to the marsh vegetation and not being able to
15 reach the project goals.

16 Had they left the ten-foot buffer between the
17 marsh vegetation and the dredging activities, it only
18 would have allowed for a nine-foot wide navigation channel
19 which would not have served the purpose to allow boat
20 traffic.

21 Best management practices will be utilized,
22 during all phases of construction.

23 There were no alternative sites considered.

24 The maintenance dredging of channels and
25 construction of jetties does require a waterfront

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1 location.

2 The project will not change the location of the
3 navigation channels.

4 The southern jetty will not extend any further
5 than the existing wooden jetty and should not have an
6 affect on the natural scenic qualities.

7 Notification of the project appeared in the Sun
8 Herald, as required. There were no public comments.

9 A public hearing was held on October 6th. There
10 were no public comments received.

11 DEQ is currently reviewing the project.

12 Wildlife, Fisheries and Parks has recommended
13 best management practices.

14 Archives and History has no objection.

15 The Secretary of State's office has stated that
16 a tidelands lease will be required.

17 Based on departmental review and evaluation, it
18 has been determined that the project is consistent with
19 the Mississippi Coastal Program because it has a higher
20 public benefit by restoring navigational depths and
21 providing public access to and use of the waterways.

22 Therefore, staff recommends approval of the
23 applicant's variance request and approval of the project.

24 I'm happy to answer any questions, and Ben
25 Benvenuti with Covington is here, if you have any

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1 questions for him.

2 COMMISSIONER BOSARGE: The low-profile bulkhead,
3 how close is the dredging going to come to it?

4 JENNIFER WITTMANN: It's less than ten feet,
5 but, with the side slope, the actual dredging will
6 probably be within four to five feet from the edge of the
7 bulkhead. The bulkhead will be there to protect that
8 marsh so it doesn't slough off.

9 COMMISSIONER BOSARGE: That's good.

10 COMMISSIONER GOLLOTT: Do I have a motion on
11 this, or do we have any questions?

12 COMMISSIONER DRUMMOND: Jennifer, what is a
13 temporary spoil space?

14 JENNIFER WITTMANN: When they dredge the area,
15 they are going to put the dredge spoils right there next
16 to the project location. It will be just to the south of
17 the existing boat ramp, this area, and, then, the spoils
18 will be trucked, most likely, to the Harrison County
19 dredge disposal site which is on the Industrial Seaway
20 (indicating slide).

21 Since it is over twenty-five hundred cubic yards
22 of material, they are not required to do beneficial use.
23 That will just be so the spoils can dewater before they
24 are trucked out.

25 COMMISSIONER DRUMMOND: Do we follow up and note

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1 that spoil space, if it's not taken care of?

2 Usually, spoil spaces are permanent.

3 JENNIFER WITTMANN: Usually, they are. This one
4 will have silt fencing installed around it to make sure
5 that none of the runoff gets back into the waterway and
6 that no material enters the waterway.

7 Once the project is complete, when we do our
8 final inspection, we can definitely check to be sure that
9 all the dredge spoils have been removed, and, then, if the
10 area needs to be seeded, that it is done.

11 COMMISSIONER DRUMMOND: Mr. Chairman, I make a
12 motion that we approve this project for Harrison County.

13 COMMISSIONER GOLLOTT: We have a motion.

14 Do we have a second?

15 COMMISSIONER ZIMMERMAN: Second.

16 COMMISSIONER GOLLOTT: We have a motion and a
17 second.

18 All those in favor say aye.

19 (All in favor.)

20 COMMISSIONER GOLLOTT: All opposed?

21 (None opposed.)

22 COMMISSIONER GOLLOTT: Motion carries.

23 JENNIFER WITTMANN: Thank you.

24 COMMISSIONER GOLLOTT: Thank you.

25 CHRIS PICKERING: Good morning.

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1 Next up, we have a violation and a request for
2 after-the-fact exclusion for Peter and Rochelle Johnson,
3 File Number 140097. The location is on Bernard Bayou at
4 1614 Cypress Lane in Gulfport, Harrison County. It's in
5 the General Use District and the agent is Stephen James
6 Drennen.

7 You can see here, the aerial. It's on Bernard
8 Bayou there close to Pass Road and Cowan Lorraine Road
9 (indicating slide).

10 Here's a zoomed-in area. That yellow thumbtack
11 is Johnson's property and just above that is their
12 structure. That's the old structure actually (indicating
13 slide).

14 They were permitted for a pier and a boathouse
15 that totaled nine hundred and ninety-three square feet.
16 Currently existing, they have piers and a boathouse that
17 total one thousand forty-nine point two nine square feet.

18 Here is what they were permitted for before.
19 The adjacent landowner did sign off on this, authorizing
20 them to be within ten feet of the property line for this
21 structure they were permitted for, but they are currently
22 not in compliance with her authorization (indicating
23 slide).

24 There is the current structure they have, now.
25 There is a point on there where we drew a line twenty-five

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1 feet out. We know that point did not move because they
2 built that pier in the same footprint it was before. So,
3 from that point out, they were permitted to go twenty-five
4 feet out from there, within ten feet of the property line
5 (indicating slide).

6 Currently, from that same point, they extend
7 thirty-three point two five feet out. So they built an
8 extra eight point two five feet within ten feet of her
9 property line.

10 There is the current structure and another
11 picture from the water. As you can see her boat, she is
12 getting it in and out of there, but she says it is
13 difficult (indicating slide).

14 On October 9th, 2013, a General Permit was issued
15 to Peter and Rochelle Johnson for piers and a boathouse
16 that totaled nine hundred and ninety-three square feet.

17 On May 26th, 2014, an anonymous report was made
18 that the structures were out of compliance with the issued
19 GP.

20 On May 27th, 2014, a compliance check by DMR
21 staff revealed that the structure was constructed out of
22 compliance. The structure totaled one thousand one
23 hundred and twelve square feet. Staff informed Mrs.
24 Johnson of the violation.

25 On June 10th, 2014, the applicant and agent

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1 informed staff that they would like to bring the boathouse
2 into compliance with the GP guidelines. They were
3 informed an after-the-fact application would be needed,
4 since the final footprint of the structures would not
5 match the issued GP. The agent was advised not to do any
6 more work until the Commission approved the project, but
7 he said he had to get his barge out of there so he went
8 forward with it.

9 On June 30th, 2014, staff received an application
10 for after-the-fact authorization of a boathouse totaling
11 nine hundred and sixty-eight point two nine square feet.

12 On July 22nd, 2014, a site visit revealed a pier
13 was not included on the new application. The structure
14 actually totaled one thousand forty-nine point two nine
15 square feet. The applicant was informed the structure did
16 not meet the General Permit guidelines and would,
17 therefore, be sent to the Coastal Program Agencies and the
18 adjacent property owners for comments.

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

21 The project is allowable within the General Use
22 District.

23 Allowing the applicant to retain the
24 unauthorized portion of the boathouse within ten feet of
25 the property line would set a precedent.

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1 The boathouse has already been constructed, but
2 removal of the unauthorized portion may temporarily
3 increase turbidity in the construction area and may result
4 in a temporary decrease in the number of benthic
5 organisms.

6 Retaining the portion of the boathouse that is
7 within ten feet of the property line and is not authorized
8 could affect the adjacent landowner's ability to dock
9 their boat.

10 Removal of the unauthorized portion of the
11 boathouse located within ten feet of the property line
12 would allow the adjacent landowner more room to dock their
13 boat.

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

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

20 It was sent out on public notice to the Sun
21 Herald, on August 24th, August 31st, and September 7th,
22 2014.

23 One comment from an adjacent landowner was
24 received, concerning the applicant proposing a boat pier
25 and not a boathouse, the length of the pier exceeding the

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1 original drawing and making their ability to dock their
2 boat on the adjacent pier difficult, and the plans not
3 including a fifteen-foot high roof.

4 This is actually the diagram that she signed off
5 on. As you can see, it does show a roof. It just doesn't
6 show the height, but, as long as they are below twenty-
7 five feet above mean high tide, then, they are in
8 compliance with us (indicating slide).

9 She was also concerned about a locked gate that
10 does not allow them to view, or converse, with the
11 neighbors.

12 As you can see, the drawing also shows -- that
13 green line right there -- that it had a gate on it and it
14 was labeled up at the top (indicating slide).

15 Staff has conducted a thorough evaluation of the
16 situation and recommends that the Commission approve the
17 applicant's request for after-the-fact authorization, with
18 the following condition:

19 The portion of the boathouse waterward of the
20 footprint that received approval by the adjacent property
21 owner be modified such that a minimum distance of ten feet
22 be maintained between the authorized structure and the
23 projection of the adjacent property line into the
24 waterway, unless the adjacent landowner gives approval
25 within thirty days, in which case the pier may be retained

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1 as constructed.

2 Staff also recommends that a fine be issued to
3 the agent, in accordance with Mississippi Code 49-27-51.

4 The violation was discovered on May 27th, 2014,
5 and the violation duration was thirty-five days and that
6 was to the point when we received the after-the-fact
7 application.

8 The maximum potential fine is seventeen thousand
9 five hundred dollars, and our recommended fine is to be
10 issued to Stephen James Drennen in the amount of four
11 thousand dollars, with two thousand dollars suspended,
12 contingent upon no new violations being committed in any
13 jurisdiction for a period of two years and payment of two
14 thousand dollars within forty-five days of the
15 Commission's decision, or the matter will be forwarded to
16 the Attorney General's office for further enforcement
17 action.

18 The agent constructed the structures, while the
19 applicant was out of the country on business, but the
20 applicant has been very cooperative throughout the after-
21 the-fact permitting process.

22 The applicant is here, and I believe the agent
23 is here, also, but I don't believe the neighbor could make
24 it today.

25 Is Ms. Brady here?

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1 FROM THE FLOOR: She is out of town.

2 COMMISSIONER GOLLOTT: Does somebody want to
3 speak on this?

4 FROM THE FLOOR: I would like to speak.

5 COMMISSIONER GOLLOTT: Yes, sir.

6 PETER JOHNSON: Peter Johnson. I'm the owner of
7 the pier/dock.

8 Just a few days ago, I had a discussion with the
9 adjoining landowners, the Bradys, and we are still in
10 discussions to come to a amicable agreement of this.

11 Within the thirty-day period, I'm quite sure that we can.

12 COMMISSIONER GOLLOTT: Anyone else?

13 (No response.)

14 COMMISSIONER GOLLOTT: What I would like to do
15 is table this until next month and see if we can get these
16 neighbors to agreement on it so we will know what is going
17 on.

18 I'll make a motion that we table this until next
19 month.

20 Do we have a second?

21 WILLA BRANTLEY: I just wanted to point out, on
22 our recommendation, we have given thirty days for them to
23 get that approval. If you go with our recommendation,
24 they can keep the boathouse, if they get that approval
25 within thirty days, and we won't have to come back here

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1 and go through all of this again.

2 PETER JOHNSON: The Bradys are out of town for a
3 week. As soon as they get back in town, we will --

4 COMMISSIONER GOLLOTT: (Interposing) When do
5 you expect them back?

6 PETER JOHNSON: Well, she said a week. She left
7 today. Probably, Tuesday of next week, we should be
8 getting together.

9 COMMISSIONER ZIMMERMAN: Sir, you acted like you
10 wanted to speak.

11 COMMISSIONER GOLLOTT: State your name, please.

12 STEPHEN JAMES DRENNEN: Stephen James Drennen,
13 Breakwater Marine.

14 He is considering that access pier a thousand
15 square feet, that part of it, but getting to that
16 property, you have to have an access pier to get to it.
17 If not, if you move that boathouse over, then, we're on
18 this property (indicating).

19 You see where that gate was, that's an access
20 pier, and I told him I said, "I don't want to move my
21 barge. What do I need to do?"

22 We cut this pier all up to get underneath that
23 thousand square foot.

24 If we could move it to the next meeting, my fine
25 and everything else.

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1 COMMISSIONER DRUMMOND: Sir, did you realize you
2 were doing that?

3 STEPHEN JAMES DRENNEN: The boathouse, we moved
4 it out too far. It's not eight foot long.

5 COMMISSIONER DRUMMOND: Whose problem is that?

6 STEPHEN JAMES DRENNEN: That was my fault. If I
7 had moved it closer in, we would have been on the marsh.
8 So I moved it a little bit further out, but we are still
9 off the property line.

10 I'm in agreement with her. I'm going to build
11 her something, and she is going to sign off on everything.

12 COMMISSIONER GOLLOTT: I would still like to
13 table this thing until next month and we will look at it
14 again. I don't think it's going to hurt anything. It's
15 not going anywhere. It's not souring.

16 STEPHEN JAMES DRENNEN: Yes, sir. Thank you.

17 COMMISSIONER GOLLOTT: Do we have a second?

18 COMMISSIONER ZIMMERMAN: I'll second it.

19 COMMISSIONER GOLLOTT: All those in favor?

20 (All in favor.)

21 COMMISSIONER GOLLOTT: Opposed?

22 (None opposed.)

23 COMMISSIONER GOLLOTT: Motion carries.

24 COMMISSIONER ZIMMERMAN: I would like to go on
25 the record with something, Mr. Chairman, if I may have the

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1 floor for a second.

2 COMMISSIONER GOLLOTT: Yes, sir.

3 COMMISSIONER ZIMMERMAN: I've been on the
4 Commission for a year and, at every meeting, we have had
5 an after-the-fact permit, and I'm going to ask the
6 Executive Director to look at what we can do
7 educationwise. We've got to get people to realize you
8 don't build a house without a permit and you don't build a
9 pier with a permit either. It's about protecting the
10 ecology of our State.

11 We need to look at that and see where we are
12 missing the boat, why are these people not understanding
13 these permits.

14 COMMISSIONER GOLLOTT: Ernie, just to say this.
15 I've been on here for ten years, and it's been the same
16 way for ten years. We have tried.

17 COMMISSIONER ZIMMERMAN: We've got to do better.

18 COMMISSIONER GOLLOTT: We have Office of
19 Finance.

20 BILL FEIDT: Good morning everyone.

21 Real quickly, I will go through our financial
22 results, as of the end of September.

23 Key Metrics. We have state revenue of three
24 point four million dollars. Agency revenue total of four
25 point one million. State net income of nine hundred and

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1 twenty-eight thousand dollars, and, then, the operating
 2 funds have a negative balance, right now, just due to the
 3 timing of the Federal reimbursements. We have a balance
 4 of one point two million dollars which we have already
 5 drawn down and brought that back positive.
 6 Any questions?
 7 COMMISSIONER DRUMMOND: Are you going to get the
 8 Federal money?
 9 BILL FEIDT: Yes. We already have it. It's
 10 just in the timing of our month end.
 11 COMMISSIONER DRUMMOND: Are you sure?
 12 BILL FEIDT: I'm pretty sure.
 13 COMMISSIONER DRUMMOND: Thank you, sir.
 14 BILL FEIDT: I can get you the checks, if you
 15 need them.
 16 Will that help?
 17 COMMISSIONER DRUMMOND: No.
 18 BILL FEIDT: From a budget standpoint, we are in
 19 good shape. We have eighty-one percent of the Operating
 20 Funds budget remaining, and, then, on Tidelands, we have
 21 ninety-four percent of the budget remaining.
 22 Any questions?
 23 (No response.)
 24 BILL FEIDT: Thank you very much.
 25 COMMISSIONER GOLLOTT: Thank you, sir.

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1 Melissa Scallan.
 2 JASON RIDER: Good morning everyone.
 3 Melissa couldn't make it today so I'm going to
 4 do the Public Affairs report.
 5 The DMR was mentioned fifty-five times, in
 6 local, state, and regional media since the last Commission
 7 meeting.
 8 Items of particular interest included oyster
 9 season and the Coastal Cleanup.
 10 The agency participated in Gulfport's first
 11 Anchor Fest the last weekend in September. Rain cancelled
 12 the event Sunday, but hundreds of people attended on
 13 Saturday to see the wooden boat show and participate in
 14 various children's activities.
 15 Saturday was the twenty-sixth annual Mississippi
 16 Coast Cleanup. Nearly two thousand volunteers showed up
 17 to clean the beaches, marshes, and barrier islands, from
 18 eight to eleven a.m. Volunteers collected one thousand
 19 three hundred and twenty-eight bags of trash and two
 20 hundred and seventy-five bags of recyclables. Special
 21 thanks to DMR employees, the coordinators, and the Marine
 22 Debris Task Force.
 23 The Office of Marine Fisheries is participating
 24 in the Jackson County Fair this week. DMR employees are
 25 manning a booth for the fair and giving out information

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1 each day.
 2 Any questions?
 3 (No response.)
 4 JASON RIDER: Thank you.
 5 COMMISSIONER GOLLOTT: Thank you, sir.
 6 Do we have any other business?
 7 (No response.)
 8 COMMISSIONER GOLLOTT: With no other business,
 9 or public comments, do we have a motion to adjourn?
 10 COMMISSIONER DRUMMOND: I make a motion we
 11 adjourn, Mr. Chairman.
 12 COMMISSIONER BOSARGE: Second.
 13 COMMISSIONER GOLLOTT: We have a motion and a
 14 second.
 15 All those in favor?
 16 (All in favor.)
 17 COMMISSIONER GOLLOTT: Any opposed?
 18 (None opposed.)
 19 COMMISSIONER GOLLOTT: The motion carries.
 20 (whereupon, at 11:25 o'clock, a.m., the October
 21 21st, 2014, meeting of the Commission on Marine Resources
 22 was concluded.)
 23
 24
 25

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1 C E R T I F I C A T E
 2
 3 I, Lucille Morgan, Certified Shorthand Reporter, do
 4 hereby certify that the above and foregoing is a true and
 5 correct transcript of the October 21, 2014, meeting of the
 6 Commission on Marine Resources, as taken by me at the time
 7 and place heretofore stated in the aforementioned matter
 8 in shorthand, with electronic verification, and later
 9 reduced to typewritten form to the best of my skill and
 10 ability; and, further, that I am not a relative, employee,
 11 or agent, of any of the parties thereto, nor financially
 12 interested in the cause.
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