

# Commission on Marine Resources

COMMISSION ON MARINE RESOURCES  
COMMISSION MEETING

Tuesday, November 18, 2014  
10:00 a.m.  
Hancock County Board of Supervisors Board Room  
854 Highway 90, Suite A  
Bay St. Louis, Mississippi 39520

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  
Sean Morrison, Esq.

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1 COMMISSIONER GOLLOTT: I would like to welcome  
2 everyone to the November regular meeting of the Commission  
3 on Marine Resources.  
4 I call this meeting to order and let's say the  
5 Pledge of Allegiance.  
6 (Whereupon, the Pledge of Allegiance was  
7 recited.)  
8 COMMISSIONER GOLLOTT: First thing on the agenda  
9 is approval of the minutes.  
10 Do we have any modifications?  
11 (No response.)  
12 COMMISSIONER GOLLOTT: With no modifications, do  
13 I have a motion?  
14 COMMISSIONER DRUMMOND: So moved, Mr. Chairman.  
15 COMMISSIONER GOLLOTT: We have a motion.  
16 Do we have a second?  
17 COMMISSIONER ZIMMERMAN: Second.  
18 COMMISSIONER GOLLOTT: All those in favor?  
19 (All in favor.)  
20 COMMISSIONER GOLLOTT: Motion carries.  
21 We have approval of the agenda.  
22 Do we have a motion to approve the agenda, or do  
23 we have any modifications?  
24 SANDY CHESTNUT: Mr. Chairman, we do have one  
25 modification to the agenda. Section D(1)c., Shannon

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1 Poole, needs to be removed. That item will be taken up in  
2 December.  
3 COMMISSIONER GOLLOTT: With the modifications,  
4 do we have a motion to approve the agenda as modified?  
5 COMMISSIONER ZIMMERMAN: So moved, Mr. Chairman.  
6 COMMISSIONER GOLLOTT: We have a motion.  
7 Do we have a second.  
8 COMMISSIONER DRUMMOND: I second the motion, Mr.  
9 Chairman.  
10 COMMISSIONER GOLLOTT: Motion has been made and  
11 seconded.  
12 All those in favor?  
13 (All in favor.)  
14 COMMISSIONER GOLLOTT: Opposed?  
15 (None opposed.)  
16 COMMISSIONER GOLLOTT: Motion carries.  
17 Next on the agenda we have the Executive  
18 Director's report.  
19 JAMIE MILLER: Mr. Chairman, I don't have a  
20 report, at this time.  
21 COMMISSIONER GOLLOTT: With no report, Keith  
22 Davis, Marine Patrol.  
23 SANDY CHESTNUT: Are we going to do the  
24 administrative penalties?  
25 JAMIE MILLER: I apologize. We are doing

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1 administrative penalties, and that was my fault. I don't  
2 have a report, other than what Sandy just mentioned for  
3 our administrative penalties. That's my fault, Mr.  
4 Chairman.  
5 COMMISSIONER GOLLOTT: Okay. I'm sorry. Let's  
6 go back and do the administrative penalties.  
7 SANDY CHESTNUT: The first administrative  
8 penalty we will be considering is Jay Trochesset, Cause  
9 Number 032214-01. The charge is possession of red fish.  
10 On March 22<sup>nd</sup>, 2014, a compliance check of a  
11 commercial fishing vessel, fishing on Fish Haven 12 in the  
12 Gulf of Mexico, was conducted. One red drum was  
13 discovered in the ice chest. Mr. Trochesset was issued an  
14 EAR, Enforcement Action Report, for possession of red drum  
15 in Federal waters.  
16 Mr. Trochesset met with the Executive Director  
17 and admitted that the red fish was on board and  
18 apologized.  
19 The Executive Director's recommendation. Based  
20 upon the documentation contained in the file and  
21 additional information provided to the Executive Director,  
22 after initiation of the administrative penalties process,  
23 the Executive Director recommends that this case be  
24 dismissed and that no administrative penalty be assessed  
25 against Mr. Trochesset.

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1 All the supporting documentation, including  
2 photographs, has been provided to each member of the  
3 Commission. Mr. Trochesset has been notified that this  
4 matter will be presented to the Commission, at today's  
5 meeting, and the Commission may accept, reject, and/or  
6 modify and Executive Director's recommendation upon  
7 motion.

8 COMMISSIONER GOLLOTT: Do we have a motion on  
9 this issue?

10 COMMISSIONER ZIMMERMAN: I would like to make a  
11 motion to accept the Executive Director's recommendation.

12 COMMISSIONER GOLLOTT: Do we have a second?

13 COMMISSIONER BOSARGE: I'll second the motion.

14 COMMISSIONER GOLLOTT: Any discussion?

15 (No response.)

16 COMMISSIONER GOLLOTT: With no discussion, all  
17 those in favor say aye.

18 (All in favor.)

19 COMMISSIONER GOLLOTT: Opposed?

20 (No response.)

21 COMMISSIONER GOLLOTT: Motion carries.

22 SANDY CHESTNUT: The next cause will Dennis  
23 Sanders, Cause Number 022114-03, and the charge is  
24 possession of Gag Grouper in closed season.

25 On June 3<sup>rd</sup>, 2013, a compliance check of a

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1 COMMISSIONER BOSARGE: I'll make a motion that  
2 we accept the Executive Director's recommendation.

3 COMMISSIONER GOLLOTT: Do we have a second?

4 COMMISSIONER DRUMMOND: I'll second the motion,  
5 Mr. Chairman.

6 COMMISSIONER GOLLOTT: We have a motion and a  
7 second.

8 Any more discussion?

9 (No response.)

10 COMMISSIONER GOLLOTT: All those in favor say  
11 aye.

12 (All in favor.)

13 COMMISSIONER GOLLOTT: Opposed?

14 (None opposed.)

15 COMMISSIONER GOLLOTT: Motion carries.

16 SANDY CHESTNUT: That concludes the  
17 administrative penalties.

18 COMMISSIONER GOLLOTT: Now, we move on to Marine  
19 Patrol.

20 RUSTY PITTMAN: Good morning Mr. Chairman,  
21 Commissioners, Director Miller, and legal.

22 You have the report in front of you. I'm sure  
23 you have had time to go over it. If there are any  
24 questions on anything, I'm here to try to answer them for  
25 you.

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1 recreational vessel, fishing an oil rig in Federal waters,  
2 was conducted. One Gag Grouper was discovered in the  
3 front hatch. Gag Grouper season was closed and did not  
4 open until July 1, 2013. Mr. Sanders was issued a  
5 citation for possession of Gag Grouper during closed  
6 season.

7 Mr. Sanders submitted a written response, dated  
8 July 28, 2014. The written response was provided to each  
9 Commissioner, and Mr. Sanders also had an informal  
10 settlement conference with the Executive Director, on  
11 September the 4<sup>th</sup>, 2014.

12 Based upon the documentation contained in the  
13 file and additional information provided to the Executive  
14 Director, after initiation of the administrative penalties  
15 process, the Executive Director recommends that this case  
16 be dismissed and no administrative penalty be assessed  
17 against Mr. Sanders.

18 All the supporting documentation, including  
19 photographs, has been provided to each Commission member,  
20 and Mr. Sanders has been notified that this matter will be  
21 presented to the Commission, at today's meeting. The  
22 Commission may accept, reject, and/or modify the Executive  
23 Director's recommendation upon motion.

24 COMMISSIONER GOLLOTT: Do we have a motion on  
25 this item?

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1 COMMISSIONER GOLLOTT: No questions.

2 RUSTY PITTMAN: Thank you very much.

3 COMMISSIONER GOLLOTT: wait just a minute.  
4 What about this consideration of a no-wake zone?

5 PATRICK LAVINE: Good morning. My name is  
6 Patrick Lavine with the office of Marine Patrol, the  
7 Safety Coordinator.

8 Today, I'm going to be presenting a proposal for  
9 a no-wake zone in the north and south entrances of Mallini  
10 Bayou.

11 On September the 8<sup>th</sup>, 2014, I received a request  
12 from the Harrison County Board of Supervisors for us to  
13 propose to the Commission on Marine Resources the  
14 possibility of no wake zones on the north and south  
15 entrances.

16 You should have received, inside your packets,  
17 some aerial photographs of Mallini Bayou, and Mallini  
18 Bayou is located on the east shore of the Bay of St.  
19 Louis.

20 I went over and did an investigation of the  
21 property and looked at it. If you notice, on the  
22 photograph labeled "North Mallini Bayou", you have point  
23 A, point B, and point C, and this is the north entrance to  
24 the bayou (indicating slide).

25 we idled the vessel from point A to point C and

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1 point B, with approximately two minutes and forty-seven  
2 seconds of idle speed from point A to point B.

3 The reasoning for them wanting no wake zones on  
4 the north entrance, first, it's a safety hazard. If you  
5 have a vessel coming in at an excessive speed from the  
6 direction of point A at the north traveling south, you  
7 have crossing intersects there at point C and Point B. So  
8 there is a boating safety concern, with the possibility of  
9 vessels colliding at that point (indicating slide).

10 Another concern is that you can notice, on the  
11 photograph, there are some residents that live there,  
12 there are some homes, there are some docks where vessels  
13 are docked and moored at the entrance of the north  
14 entrance to Mallini Bayou. Harrison County would like a  
15 proposal for that to become a no wake zone, at that  
16 entrance (indicating slide).

17 If you turn with me to the south entrance  
18 Mallini Bayou aerial photograph, if you notice there from  
19 Point A to Point B, it is approximately the same amount of  
20 time, being approximately three minutes from Point A to  
21 Point B, that bridge (indicating slide).

22 Where it says "twenty-two yards", at that point,  
23 at mean high tide, it's approximately twenty-two yards  
24 wide on that bayou (indicating slide).

25 The day that I went out to do the investigation,

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1 there were quite a few fishermen fishing at that point  
2 where it's labeled "twenty-two yards". There is a rock  
3 jetty that extends out from the bayou, and there were  
4 several fishermen fishing there, and the day that I went I  
5 had to take the time to stop, have them reel in their  
6 lines, and have them stop fishing. I had to go through  
7 and, from what I understand, quite a few vessels go into  
8 that bayou at an excessive speed (indicating slide).

9 Also, to the north, if you notice the piers just  
10 to the north of Point A, on the right side, that's a boat  
11 launch. That's a public boat launch access going into the  
12 bayou. That public boat launch is used quite a bit  
13 (indicating slide).

14 The day that I went and did the investigation,  
15 on September the 25<sup>th</sup>, there were quite a few vessels  
16 launching out of that facility, and there were vessels  
17 passing by at excessive speeds.

18 The Harrison County Board of Supervisors would  
19 like for the Commission to propose making this a No Wake  
20 Zone.

21 Upon passage, Harrison County Board of  
22 Supervisors would be responsible for posting the "No Wake  
23 Zone" and the maintenance that would be incurred, with  
24 continuing posting the signs for the No Wake Zone.

25 I would like to make a proposal for us to

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1 consider, on behalf of the Department of Marine Resources,  
2 establishing a No Wake Zone at the north and south  
3 entrances of Mallini Bayou.

4 COMMISSIONER DRUMMOND: Has there ever been an  
5 accident there?

6 PATRICK LAVINE: No, sir. From what I've seen,  
7 I have never had a documented accident at that location.

8 COMMISSIONER DRUMMOND: It's probably a good  
9 thing you are establishing a No Wake Zone.

10 PATRICK LAVINE: Yes, sir.

11 COMMISSIONER BOSARGE: I just have one question.

12 In our mailouts, it had redesignation of a No  
13 Wake Zone.

14 Has it been designated a No Way Zone before?

15 PATRICK LAVINE: Sir, I went back and  
16 investigated. It did say "redesignated", on that first  
17 letter we received from the Board of Supervisors. I could  
18 not find where it had ever been established as a No Wake  
19 Zone.

20 COMMISSIONER ZIMMERMAN: Is there anyone, in the  
21 audience, that has any comments on this item?

22 (No response.)

23 COMMISSIONER GOLLOTT: Officer Lavine, do you  
24 think it is necessary?

25 PATRICK LAVINE: Yes, sir. Commissioner

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1 Gollott, I do feel like it is necessary, after going out  
2 and spending quite a bit of time at the north and south  
3 entrances of the bayou and watching the vessels that are  
4 going through there.

5 In fact, trying to determine -- at the south  
6 entrance, that bridge there. There is a bridge that goes  
7 through there, and I cannot imagine individuals going  
8 through there. I have not spent a lot of time on the  
9 bayou, but, if somebody goes through that bridge at an  
10 excessive speed, the possibility of them hitting that  
11 bridge is extremely high.

12 I feel like, in order to prevent somebody from  
13 harming themselves, or somebody else, it would be  
14 necessary to establish a No Wake Zone.

15 COMMISSIONER GOLLOTT: I personally don't like  
16 No Way Zones because everybody on a river, or whatever,  
17 wants a No Wake Zone, but, if this is a hazard to  
18 navigation, maybe we need to consider it.

19 Do we have any more comments?

20 Does anybody want to comment on this?

21 COMMISSIONER ZIMMERMAN: I would like to go on  
22 record saying I'm very familiar with both ends of this,  
23 and it is impassable by two boats at idle, I would say, in  
24 some spots, much less at wide-open throttle.

25 PATRICK LAVINE: Yes, sir.

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1 COMMISSIONER ZIMMERMAN: I think it is a  
 2 necessity, more than a nicety.  
 3 COMMISSIONER GOLLOTT: Would you like to make a  
 4 motion on it?  
 5 COMMISSIONER ZIMMERMAN: I'll make a motion that  
 6 we accept it.  
 7 COMMISSIONER GOLLOTT: Do we have a second?  
 8 COMMISSIONER DRUMMOND: I'll second the motion,  
 9 Mr. Chairman.  
 10 COMMISSIONER GOLLOTT: Any discussion?  
 11 (No response.)  
 12 COMMISSIONER GOLLOTT: With no more discussion,  
 13 all those in favor say aye.  
 14 (All in favor.)  
 15 COMMISSIONER GOLLOTT: Opposed?  
 16 (None opposed.)  
 17 COMMISSIONER GOLLOTT: Motion carries.  
 18 PATRICK LAVINE: Thank you.  
 19 COMMISSIONER GOLLOTT: Mr. Joe Jewell.  
 20 JOE JEWELL: Good morning, Commissioners,  
 21 Director Miller, and counsel.  
 22 I would like to update the Commission on the  
 23 quota for flounder, commercial quota for flounder. We are  
 24 at fifteen thousand four hundred and twenty-one pounds.  
 25 Of course, as I have mentioned in my previous

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1 presentations, spotted sea trout and red drum are closed  
 2 for the season.  
 3 Additionally, I would like to update the  
 4 Commission on the commercial oyster season so far. We  
 5 have been open for three days. This past Friday,  
 6 Saturday, and yesterday, Monday.  
 7 We have landed a total of five hundred and  
 8 thirty-six sacks of oysters, and today, we have out  
 9 eighteen dredgers and fifteen tongers.  
 10 First up on the agenda is an oyster relay update  
 11 by Mr. Scott Gordon.  
 12 SCOTT GORDON: Good morning Mr. Chairman,  
 13 Commissioners, Director Miller, and legal counsel.  
 14 We undertook a relay program, back in September,  
 15 moving oysters from the Causeway Reef over in Pascagoula,  
 16 and the intent was to move them to our reefs in the  
 17 western sound so they would be able to let some of the  
 18 harvesters work those.  
 19 This is the Causeway going over to Singing River  
 20 Island which, years ago, we affectionately referred to as  
 21 the mud launch, and this is the angled area with the  
 22 causeway. The reef where we were relaying the oysters  
 23 from is approximately in this area, and we had IDED,  
 24 through side scan, about a fifty to sixty acre site  
 25 (indicating slide).

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1 We relayed a total of, approximately, eight  
 2 thousand three hundred and twenty-six sacks that were  
 3 relayed to Area 2 conditionally approved waters.  
 4 We also moved two hundred and fifty sacks to the  
 5 seventeen acre Deer Island site, and that is due to some  
 6 mechanical difficulties that we had, at the time.  
 7 We put, approximately, seven hundred sacks in  
 8 the Area 2A. 2A is close into shore and it will shut down  
 9 on a lesser amount of rainfall, or river stage, than the  
 10 Area 2F where we put the majority of the oysters.  
 11 This is the Deer Island site. It's  
 12 approximately a seventeen acre site, and it was nearby and  
 13 convenient. So we thought that that would be a good  
 14 location for those (indicating slide).  
 15 These are the other four deployment sites.  
 16 Seven hundred sacks went within about ten acres around  
 17 this center point. Eleven hundred and twenty-two sacks  
 18 around this one. Three thousand two hundred and ninety-  
 19 four sacks in this location, and another thirty-two  
 20 hundred and ten sacks here (indicating slide).  
 21 We have provided maps with the coordinates to  
 22 the tongers at the Pass Christian check station.  
 23 I believe most of them have been working this  
 24 area. Since the weather has been poor and the wind  
 25 conditions, that's why they have been in closer

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1 (indicating slide).  
 2 We collected tissue and water samples from the  
 3 three separate locations on the Pass Christian tonging  
 4 area. Two samples were from the relayed sites, and one  
 5 was a control sample from a non-relayed site of oysters  
 6 that were naturally growing on the Pass Christian Reef  
 7 area.  
 8 All samples that we collected were below  
 9 detectible limits for fecal coliform in the tissue, and  
 10 the management plan criteria for those conditionally-  
 11 approved areas are also monitored daily.  
 12 That's the end of my presentation.  
 13 Are there any questions?  
 14 COMMISSIONER BOSARGE: I have one question. I  
 15 know the weather has been terrible.  
 16 How many tongers have we had?  
 17 Didn't we have one good day?  
 18 I think Friday was a pretty good day  
 19 weatherwise.  
 20 SCOTT GORDON: Friday was still kind of a pretty  
 21 nasty day. We had nineteen Mississippi tongers that  
 22 checked out, and only thirteen got their sacks. Plus, we  
 23 had six non-resident tongers.  
 24 We had some of the folks that had problems with  
 25 their boats, or they might cancel due to the weather, but

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1 it was not an ideal day for tonging by any means. It was  
2 so windy and the tides were running pretty hard. That's  
3 not an ideal situation for tongers.

4 COMMISSIONER BOSARGE: Once they do get some  
5 nice weather, if you could maybe email us a report on what  
6 is going on and how many folks we have out there?

7 SCOTT GORDON: I certainly will.

8 COMMISSIONER BOSARGE: I appreciate it.

9 COMMISSIONER GOLLOTT: Scott, roughly figuring,  
10 just in three bad days that they have had, they have  
11 harvested around twenty-six to twenty-seven thousand  
12 dollars worth of oysters which is very good for our  
13 fishermen.

14 SCOTT GORDON: It is.

15 COMMISSIONER GOLLOTT: Thank you, Scott.

16 SCOTT GORDON: Thank you.

17 COMMISSIONER GOLLOTT: Joe Jewell is next.

18 JOE JEWELL: Next up is Mr. Wes Devers, and he  
19 will be presenting the Monofilament Recycling Program  
20 update.

21 WES DEVERS: Good morning Commissioners,  
22 Director Miller, and counsel.

23 I'm going to give you a quick update on our  
24 Monofilament Recycling Program. We began this program,  
25 after Katrina, with some outreach funds.

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1 why is it important to recycle mono?

2 well, we all know the entanglement hazard that  
3 it poses to both fishermen and boaters, as well as  
4 wildlife.

5 The main problem with this line is entanglement.  
6 It entangles birds and marine mammals. It can cause  
7 wounds. With birds especially, it causes an entanglement  
8 hazard. They tend to bring it to their nests, and they  
9 get tangled in it, and, then, obviously, they will starve  
10 to death because they can't get away from it.

11 It is also very dangerous for scuba divers. If  
12 somebody is diving on a reef and there is a lot of line  
13 down there, it can get tangled up in the regulators. On  
14 the first stage on their tanks, they can get tangled up  
15 and there is, obviously, a limited amount of oxygen  
16 available. It is just good to keep this out of the water.

17 Here are a few photos of some animals that have  
18 been caught. You can see the damage done to them  
19 (indicating slide).

20 It is really bad for boats as well. Smaller  
21 vessels, it's gets around the lower unit and eats up the  
22 seals around the prop. Larger vessels, it can get sucked  
23 into the water intakes and damage water pumps (indicating  
24 slide).

25 As I was referring to a minute ago about the

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1 danger to divers, there is a good example of how somebody  
2 can get entangled (indicating slide).

3 In the 2013 Coastal Cleanup, approximately,  
4 seventy-one thousand seven hundred and forty-four pieces  
5 of monofilament line were recovered worldwide. It ranks  
6 number four of all debris items collected. That's a  
7 pretty substantial amount of fishing line that is just  
8 sitting around out there in the environment.

9 Mississippi, in the last three coastal cleanups  
10 -- that doesn't include this year. They haven't got those  
11 numbers out yet, but that's seven thousand four hundred  
12 and forty pieces of line that were recovered over those  
13 three years.

14 It is approximated by people who do research on  
15 this that one piece equals about a yard. So we are  
16 looking at roughly twenty-five thousand yards of fishing  
17 line here.

18 Almost forty-seven percent of all entanglement  
19 deaths are caused by monofilament fishing line, and it  
20 actually accounts for forty-two percent of the  
21 entanglement items that are recovered. Entanglement items  
22 also include rope and stuff of that nature.

23 We have, approximately, thirty-five outdoor and  
24 indoor recycling stations. I'm sure you are all familiar  
25 with them, like the one in the lobby there at the office.

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1 You may have seen them at the boat ramps. They are the  
2 PVC pipes with the ninety-degree top on them, and people  
3 are encouraged to drop the used line in there.

4 The indoor stations, we gave those out to the  
5 bait shops and all that.

6 The fishing line, one of the big concerns people  
7 have about recycling is there is the assumption that it  
8 will be turned back into more fishing line, and that is  
9 not true.

10 The way monofilament is manufactured, once it is  
11 stranded out, it can't be restranded. They use it to make  
12 stuff such are freshwater fish habitats. They look almost  
13 like PVC structures that people can sink in ponds and  
14 rivers as stuff for bass to seek refuge in. They also use  
15 it to make the spools that monofilament line is sold on.  
16 They make tackle boxes, and they actually use it for toys.

17 The good thing about this program is it is  
18 actually sponsored through Pure Fishing America which is  
19 the parent company to Berkley Trilene.

20 They prepay for all the postage. When we ship  
21 the mono to them, it is no cost to the state, or the  
22 agency.

23 They take it, they chip it up, and, then, they  
24 send it to the recycler. It's a win-win for them and for  
25 us and the environment.

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1 There are a couple of pictures of the stations I  
2 was just describing. On the right is the indoor box, and  
3 on the left is one of the tubes (indicating slide).

4 Here is an idea of what we have shipped, since  
5 we began the program. In 2014, it is only showing twelve  
6 pounds, but, when we put this together, we had not updated  
7 it, but, as you can see, it is almost four hundred pounds  
8 of line. When you think of how much mono it takes to make  
9 four hundred pounds, that's a lot of fishing line  
10 (indicating slide).

11 These are the people we partner with. It's us,  
12 Pure Fishing, the research lab, NOAA, Mississippi Wildlife  
13 Federation, and Gulf States Marine Fisheries Commission  
14 (indicating slide).

15 That's all I have.

16 Does anybody have any questions?

17 COMMISSIONER BOSARGE: I do.

18 WES DEVERS: Yes, sir.

19 COMMISSIONER BOSARGE: Some of the new fishing  
20 lines that are, basically, the Kevlar-based line.

21 WES DEVERS: The braid?

22 COMMISSIONER BOSARGE: Yes.

23 Are you seeing much of that?

24 WES DEVERS: Commissioner, we don't see as much  
25 as I thought we would. I was kind of worried that was

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1 going to be an issue because it's non-recyclable, as of  
2 right now, but I have not seen much.

3 Surprisingly, at the time that I last spoke with  
4 them, one of the things that they can't recycle is  
5 webbing. I don't know why, but we have actually had a  
6 few, like, small brill nets put in there, and we have to  
7 take those out because for whatever reason they can't  
8 recycle them.

9 To answer your question, I have not seen much of  
10 that braid which is good. I'm hoping people are, at  
11 least, bringing it home and storing it, getting rid of it  
12 in a plastic bag, or something.

13 COMMISSIONER BOSARGE: It looks like it is kind  
14 of the coming thing.

15 WES DEVERS: Yes, sir.

16 COMMISSIONER BOSARGE: It is smaller, stronger,  
17 and lighter.

18 WES DEVERS: Yes, sir.

19 COMMISSIONER BOSARGE: The facts are amazing  
20 here. I didn't realize there was that amount.

21 WES DEVERS: Yes, sir. It's a lot of line that  
22 is out there, and it takes, according to some estimates,  
23 up to six hundred years for mono to break down.

24 COMMISSIONER BOSARGE: That's unbelievable.

25 WES DEVERS: Once it gets a couple of feet below

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1 the surface, the UV light doesn't penetrate that deep and  
2 actually break the line down.

3 COMMISSIONER BOSARGE: Thank you.

4 WES DEVERS: Any other questions?

5 COMMISSIONER ZIMMERMAN: Yes, Wes, I have a  
6 question.

7 WES DEVERS: Yes, sir.

8 COMMISSIONER ZIMMERMAN: I notice on here, if  
9 you trend it, the trends are going down. In other words,  
10 in 2008, we've got a hundred pounds that we shipped, and,  
11 then, this year -- I guess that's to date -- we're at  
12 twelve pounds that we have shipped (indicating document).

13 WES DEVERS: Yes, sir.

14 I apologize for that. I haven't updated this  
15 year's totals.

16 One of the things, USM, the research lab, they  
17 run long lines for some of their sampling, and, when their  
18 long lines have served their purpose, they ship that as  
19 well, and the lady at the research lab, Jill, has not sent  
20 me her updated totals. It's like four hundred pounds of  
21 mono. So it takes a lot of weight.

22 Now, I will say one of the problems we've had  
23 with our tubes for the outdoor stations is we've had a lot  
24 of vandalism, and we have been working on trying to secure  
25 these better to the piers. We've heard the joke that they

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1 make good deer feeders. We have to stay on top of that.  
2 Unfortunately, I think we are missing some because of  
3 that. I'm hoping, when these people are stealing them,  
4 they are not just throwing the mono overboard.

5 I have noticed that, too, that it seems to be  
6 going down.

7 Another big event that this year didn't seem to  
8 generate much is the billfish tournament, in June at the  
9 Golden Nugget. Most of the professional fishermen will  
10 strip all their reels of the real heavy line and deposit  
11 it, and this year we didn't get that much. I don't know  
12 if they had striped their reels prior to getting here, or  
13 what that was.

14 COMMISSIONER ZIMMERMAN: Thank you.

15 WES DEVERS: Yes, sir.

16 Are there any other questions?

17 (No response.)

18 COMMISSIONER GOLLOTT: Thank you, sir.

19 WES DEVERS: Thank you.

20 JOE JEWELL: Our final agenda item is State  
21 Records, by Ms. Emily Satterfield.

22 EMILY SATTERFIELD: Good morning Commissioners,  
23 Director Miller, and counsel.

24 We have one new State record for consideration  
25 today. It is conventional tackle. It is a Yellowedge

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1 Grouper, *Epinephelus Flavolimbatus*. It's a new record, as  
2 previously stated. Mr. Johnny Templet caught this fish,  
3 thirty-five pounds five point seven ounces.

4 Here's a picture of his fish, in the lab at the  
5 Bolton Building. It doesn't look quite as big, in that  
6 picture, but here is a picture of Mr. Templet with his  
7 friends and the fish. Obviously, it is a nice fish  
8 (indicating slides).

9 COMMISSIONER DRUMMOND: It looks like two  
10 different fish.

11 EMILY SATTERFIELD: It sure does. Background  
12 makes a big difference, when you don't have the  
13 perspective.

14 This is the only one we have for consideration  
15 this morning.

16 COMMISSIONER GOLLOTT: Do we have a motion on  
17 this?

18 COMMISSIONER DRUMMOND: Mr. Chairman, I'll make  
19 a motion we accept this new record for Yellowedge Grouper.

20 COMMISSIONER GOLLOTT: Do we have a second?

21 COMMISSIONER BOSARGE: Yes, sir. I'll second  
22 it.

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

25 (All in favor.)

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1 COMMISSIONER GOLLOTT: All opposed?  
2 (None opposed.)

3 COMMISSIONER GOLLOTT: Motion carries.

4 EMILY SATTERFIELD: Thank you.

5 COMMISSIONER GOLLOTT: If anybody wants to make  
6 a public comment, there are some cards in the back.  
7 Please fill one out and send it up.

8 Next we have Coastal Resources.

9 JAN BOYD: Good morning Mr. Chairman,  
10 Commissioners, Director Miller, and counsel.

11 Coastal has four action items for your  
12 consideration this morning.

13 After we finish those, I want to give a very  
14 quick update on our permitting actions.

15 CHRIS PICKERING: Good morning. My name is  
16 Chris Pickering. I will be presenting the first action  
17 item. This project was tabled from last month.

18 This is a violation/after-the-fact exclusion by  
19 Peter and Rochelle Johnson, DMR Number 140097. It is  
20 located on Bernard Bayou at 1614 Cypress Lane in Gulfport,  
21 Harrison County, Mississippi. It is in the General Use  
22 District, and the agent is Stephen James Drennen.

23 Here is an aerial. You've got Pass Road and  
24 Cowan Lorraine, and here is a zoomed-in aerial (indicating  
25 slide).

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1 This was their structure, before they  
2 constructed the current structure. As you can see, this  
3 is the neighbor's pier over here and their pontoon boat  
4 (indicating slide).

5 They were permitted for piers and a boathouse  
6 that totaled nine hundred and ninety-three square feet,  
7 and they, currently, have an existing structure that is  
8 out of compliance. It's unauthorized piers and a  
9 boathouse that total one thousand forty-nine point two  
10 nine square feet.

11 This was what was permitted before that was a  
12 general permit. As you can see, from this point up to the  
13 end of the pier, they were permitted for a total of  
14 twenty-five feet to go within twenty-five feet of the  
15 property line, and they currently, from that same point,  
16 are going out a total of thirty-three point two five feet.  
17 So they are eight point two five feet further into the  
18 waterway than what was authorized by the neighbor  
19 (indicating slide.)

20 Here is a picture of what they currently have  
21 and another one. This is the neighbor's pier and their  
22 pontoon boat, and, from the corner of their pier to the  
23 corner of the applicant's structure, it is eighteen feet  
24 wide (indicating slides).

25 On October 9, 2013, a General Permit was issued

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1 to Peter and Rochelle Johnson for piers and a boathouse  
2 that totaled nine hundred and ninety-three square feet.

3 On May 26, 2014, an anonymous report was made  
4 that the structures were out of compliance with the issued  
5 GP.

6 On May 27<sup>th</sup>, a compliance check by DMR staff  
7 revealed that the structure was constructed out of  
8 compliance. The structure totaled one thousand one  
9 hundred and twelve square feet. Staff informed Mrs.  
10 Johnson of the violation.

11 On June 10, 2014, the applicant and agent  
12 informed staff that they would like to bring the boathouse  
13 into compliance with the General Permit guidelines. They  
14 were informed an after-the-fact application would be  
15 needed, since the final footprint of the structures would  
16 not match the issued GP. The agent was advised not to do  
17 any more work, until the Commission approved this after-  
18 the-fact application, but he said he had to move his barge  
19 from the property. So he went ahead and cut some of the  
20 boathouse off.

21 On June 30<sup>th</sup>, 2014, staff received an after-the-  
22 fact application for authorization of a boathouse totaling  
23 nine hundred and sixty-eight point two nine square feet.

24 On July 22<sup>nd</sup>, 2014, a site visit revealed a pier  
25 was not included on the new application. The structure

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1 totaled one thousand forty-nine point two nine square  
 2 feet. The applicant was informed the structure did not  
 3 meet the General Permit guidelines and would, therefore,  
 4 be sent to the Coastal Program agencies and adjacent  
 5 property owners for comments.

6 On October 21<sup>st</sup>, 2014, the Commission on Marine  
 7 Resources tabled the project until the November meeting to  
 8 give the Johnsons time to try to get the adjacent property  
 9 owner approval for the boathouse as constructed.

10 I spoke with the neighbor this past week, and  
 11 she said she is not going to give permission for that.  
 12 She was not willing to sign off on it.

13 Public Notice. Notification appeared in The Sun  
 14 Herald, on August 24<sup>th</sup>, August 31<sup>st</sup>, and September 7<sup>th</sup>,  
 15 2014.

16 One comment from an adjacent landowner was  
 17 received, concerning the applicant proposing a boat pier,  
 18 not a boathouse, and this is her signature, right here,  
 19 where she signed off on the diagram that was provided for  
 20 the General Permit before, and, as you can see, there was  
 21 a cover that was on this diagram, the gable roof  
 22 (indicating slide).

23 She was also concerned about the length of the  
 24 pier exceeding the original drawing and making their  
 25 ability to dock their boat, on the adjacent pier,

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1 difficult -- I went over that in the previous slide -- and  
 2 the plan is not including a fifteen foot high roof, and  
 3 it's under twenty-five feet above mean high tide so it  
 4 meets our guidelines (indicating slide).

5 She was also concerned with a locked gate that  
 6 does not allow them to view, or converse, with the  
 7 neighbors, and, as you can see, there was a gate on the  
 8 diagram that the applicants provided (indicating slide).

9 DEQ is currently reviewing the project.  
 10 Archives and History has no objection.  
 11 Secretary of State says there are no lease  
 12 issues.

13 Wildlife, Fisheries and Parks asks for best  
 14 management practices to be implemented.

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.

25 Staff also recommends that a fine be issued to

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1 the agent, in accordance with Mississippi Code 49-27-51.

2 The violation was discovered on May 27, 2014,  
 3 and the violation lasted thirty-five days. Maximum  
 4 potential fine would be seventeen thousand five hundred  
 5 dollars.

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

14 Some of our decision factors. The agent  
 15 constructed the structures, while the applicant was out of  
 16 the country on business, and the applicant has been very  
 17 cooperative throughout the after-the-fact permitting  
 18 process.

19 Any questions?

20 COMMISSIONER GOLLOTT: Are there any of the  
 21 parties here that would like to speak on this matter?

22 ROCHELLE JOHNSON: Yes.

23 COMMISSIONER GOLLOTT: Please approach the  
 24 podium and give us your name for the record.

25 CHRIS PICKERING: The neighbor informed me this

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1 morning that she would not be making the meeting.

2 COMMISSIONER GOLLOTT: Thank you.

3 PETER JOHNSON: Peter and Rochelle Johnson. We  
 4 are the property owners of 1614 Cypress Lane.

5 COMMISSIONER GOLLOTT: I'm sorry.

6 PETER JOHNSON: We are Peter and Rochelle  
 7 Johnson, and we are the property owners where the boat  
 8 dock is being constructed.

9 COMMISSIONER GOLLOTT: Okay.

10 PETER JOHNSON: I've got some printouts here to  
 11 help you follow my explanations, if I could give these to  
 12 you.

13 COMMISSIONER GOLLOTT: Yes, sir.

14 (Documents handed to the Commission members by  
 15 Peter Johnson.)

16 PETER JOHNSON: If you look at the original plan  
 17 that was permitted, to the left you can see what we and  
 18 the Corps of Engineers describe as an access pier, but,  
 19 from my understanding, the DMR doesn't call that an access  
 20 pier.

21 From the access pier going backwards is a  
 22 distance of eight feet. If we actually did go physically  
 23 back eight feet, a section of that would be over wetland,  
 24 and, now, I understand that we're not allowed to construct  
 25 over wetland.

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1 So the boat dock physically is one-and-a-half  
2 feet longer than the original design. We have forty-three  
3 feet here and exactly forty-four-and-a-half feet long, but  
4 it is further out into the water than it originally was  
5 because we weren't able to construct over wetland  
6 (indicating document).

7 I thought DMR was supposed to come around and  
8 inspect the work going on, during construction. I don't  
9 know that they ever did come around to inspect it because,  
10 I guess, they could have halted the work, at the time, if  
11 it was out of compliance.

12 ROCHELLE JOHNSON: Well, in the first place, the  
13 DMR should not have okayed this permit because Peter is  
14 not a builder. He's not an architect. He drew it up,  
15 gave it to the DMR, somebody came out and took a look,  
16 and, at that point, the DMR failed to say, "wait a minute.  
17 You can't go back because you will be on wetland."

18 I've got a bee in my bonnet because of that, and  
19 that's what I would like to add.

20 PETER JOHNSON: The letter from the Corps of  
21 Engineers describes the access piers, the twelve and the  
22 ten foot, and I also thought it was the understanding that  
23 access piers didn't need to be permitted. Without the  
24 ten-by-twelve foot access pier included in the square  
25 footage, the whole pier is actually nine hundred and

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1 ninety-three square feet, less than a thousand square  
2 feet.

3 COMMISSIONER GOLLOTT: How are they going to  
4 modify this to bring it into compliance?

5 ROCHELLE JOHNSON: It is going to be a nightmare  
6 for us.

7 CHRIS PICKERING: It doesn't fit the General  
8 Permit guidelines, right now.

9 As far as an access pier goes, they may have  
10 called it an access pier, but they are counting it in the  
11 square footage, the Corps of Engineers, and anytime we  
12 call an access pier an access pier, we would not count  
13 that in the square footage, but this does not fit the  
14 definition of an access pier.

15 The access pier has to be perpendicular to the  
16 shoreline, and it can only be up to six feet wide.

17 Theirs is nine feet wide and it is parallel with  
18 the shoreline.

19 COMMISSIONER ZIMMERMAN: Chris, had they built  
20 it by the original permit, would they be in compliance?

21 CHRIS PICKERING: Yes, they would.

22 COMMISSIONER ZIMMERMAN: The problem is that it  
23 was not built by the permitted approval?

24 CHRIS PICKERING: Right.

25 COMMISSIONER ZIMMERMAN: That's the whole

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1 problem, and that's the way I understand it, Mr. and Mrs.  
2 Johnson, is that is where we are.

3 It's not whether the DMR inspected, or didn't  
4 inspect, or should have turned it down, it's that you  
5 didn't build it as what you applied for and was approved.

6 PETER JOHNSON: Yes, and I was overseas quite a  
7 lot of the time during construction.

8 COMMISSIONER ZIMMERMAN: I understand that, and  
9 the gentleman that built your structure, at the last  
10 meeting, said that he chose to move it outward, on the  
11 record.

12 ROCHELLE JOHNSON: He had to. At that point --

13 COMMISSIONER ZIMMERMAN: (Interposing) I  
14 disagree with that, ma'am. You had a permit saying what  
15 you could do, and, if you had built it according to that  
16 permit, we wouldn't be here. That's the way I see it.

17 ROCHELLE JOHNSON: Somebody dropped the ball.  
18 He should have said, "we need to go back and get this, at  
19 this point", whether it's the DMR, or the builder.

20 COMMISSIONER ZIMMERMAN: I agree with that. The  
21 builder plainly, the way I interpret it, in his testimony  
22 before us last month, said that he chose to move it  
23 outward. That was his choice.

24 I feel sorry for you. I understand you are in a  
25 bad position, but it's not our problem either. We have to

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1 protect the ecology and the environment of the State of  
2 Mississippi, and that's what we are trying to do.

3 ROCHELLE JOHNSON: This pier doesn't have  
4 anything to do with the eco system. This has to do with  
5 the neighbors.

6 COMMISSIONER ZIMMERMAN: I disagree with that.  
7 You went from nine hundred and ninety-three square feet  
8 which was approved which is a shaded area which cools the  
9 water temperature down and does not let natural sunlight  
10 get to the water, as it normally does, to eleven hundred  
11 and twelve feet, by the way it's built, now. So I  
12 disagree with that.

13 PETER JOHNSON: The Corps of Engineers say that  
14 the regulating authority prescribed this type of permit to  
15 be the process and procedures for minor work, having no  
16 significant environmental impact (indicating document).

17 ROCHELLE JOHNSON: To further note, if you will  
18 go back to your General Permit and read, it talks about  
19 access piers are not included in the square footage.  
20 That's in the general permits. If you go back and read  
21 that, you will see.

22 WILLA BRANTLEY: Excuse me. My name is Willa  
23 Brantley. I'm the Bureau Director for Wetlands  
24 Permitting.

25 I just want to make one statement that we are

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1 not arguing about the square footage. If they weren't  
2 within ten feet of the neighbor's property line, we would  
3 allow every bit of square footage that is there. The only  
4 issue is that they are within ten feet of the property  
5 line, eight point two five feet further than she gave them  
6 permission for.

7 COMMISSIONER GOLLOTT: Where would they have to  
8 take the eight foot from, or can they?

9 WILLA BRANTLEY: If they are within ten feet, it  
10 would be this corner right here (indicating slide).

11 PETER JOHNSON: There is also a piling there  
12 that is supporting the boathouse.

13 COMMISSIONER GOLLOTT: What about taking the  
14 part that is not shaded off?

15 what will that give you?

16 PETER JOHNSON: I'm sorry.

17 COMMISSIONER GOLLOTT: The way I'm looking at  
18 the plans here, you've got a three-by-three here that is  
19 not shaded, that's not under the roof (indicating  
20 document).

21 Right?

22 PETER JOHNSON: That actually doesn't exist  
23 anymore. That was cut back.

24 CHRIS PICKERING: This is what they currently  
25 have (indicating document).

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1 PETER JOHNSON: Yes.

2 COMMISSIONER GOLLOTT: Okay.

3 PETER JOHNSON: Where that three foot was  
4 sticking out --

5 COMMISSIONER GOLLOTT: (Interposing) You have  
6 pilings underneath your roof, holding your roof up.

7 Right?

8 PETER JOHNSON: Yes, sir.

9 COMMISSIONER GOLLOTT: And it goes three foot  
10 beyond that?

11 PETER JOHNSON: The distance from the adjacent  
12 property owner's pilings on the left and our piling there  
13 is twenty-two-and-a-half feet.

14 COMMISSIONER GOLLOTT: If you take the corner  
15 off of the pier and not mess with your roof, what will  
16 that do for us?

17 Will that get you close to being in compliance?

18 PETER JOHNSON: Well, at the moment, it is only  
19 a foot and a half further out, but, if we were to cut a  
20 section of that off, it would bring it to probably about  
21 twenty feet.

22 The contractor that built the boathouse and dock  
23 has also offered the Bradleys, to build a permitted  
24 section extension on their dock so that they could  
25 actually tie up and moor their boat at another part of

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1 their dock, at his cost. He has offered to build them an  
2 extension, permitted, at no cost to them.

3 COMMISSIONER GOLLOTT: We can't make that  
4 happen. I mean, that's not in our jurisdiction.

5 What I'm asking you is if you take the three-  
6 foot walk away down the side of your pier, will that bring  
7 you in compliance, or will it be close?

8 ROCHELLE JOHNSON: We don't know.

9 COMMISSIONER GOLLOTT: It looks like if you take  
10 three foot off...

11 PETER JOHNSON: The lady previously was saying  
12 that they are disputing the square footage, at the moment,  
13 but the piling is still going to be there.

14 The Bradleys are arguing that it is restricting  
15 their access into that area.

16 Now, they do take the boat in and out. They  
17 have been taking the boat in and out.

18 COMMISSIONER GOLLOTT: If you take the three  
19 foot off, wouldn't it widen their access?

20 PETER JOHNSON: Well, it would probably help,  
21 yes.

22 COMMISSIONER GOLLOTT: It would give them more  
23 access, and it wouldn't cost you an arm and a leg to try  
24 to put another piling under your roof.

25 CHRIS PICKERING: We don't know exactly how far

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1 they are from the property line, right now, without having  
2 an actual survey done.

3 COMMISSIONER GOLLOTT: Are you willing to do a  
4 survey?

5 PETER JOHNSON: We've had a survey.

6 ROCHELLE JOHNSON: We've got a survey.

7 CHRIS PICKERING: They had a survey, but not one  
8 that shows their current structure there, how far it is  
9 from the property line.

10 PETER JOHNSON: I've measured to the right-hand  
11 side at mean high tide, and the waterline sits back about  
12 eight feet. So we could have gone that eight feet back.  
13 However, on the right-hand side, from the present back  
14 side of the dock, the wetland is probably about three  
15 feet. So, if we actually went back that eight feet like  
16 the original design, we would be over wetland  
17 (indicating).

18 COMMISSIONER GOLLOTT: Well, to be honest with  
19 you, I have built piers and I've built boat covers and  
20 stuff, and I'm trying to figure out a compromise here that  
21 won't cost you a fortune to rebuild this thing.

22 Do you think, if we gave you another month, you  
23 could come back with a survey, or something, to help us  
24 determine what is best for both sides?

25 ROCHELLE JOHNSON: We could do that, but he is

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1 talking about we need to be ten feet away from the  
 2 property line. We could never do that.  
 3 Chris, we could never do that because of the  
 4 whole length.  
 5 COMMISSIONER GOLLOTT: Well, I guess that's  
 6 where we are.  
 7 why can't they get ten feet away?  
 8 CHRIS PICKERING: The eight point two five feet,  
 9 that's too far out. That is what has to come back.  
 10 PETER JOHNSON: He's not saying ten feet away  
 11 from the property line.  
 12 CHRIS PICKERING: The whole thing doesn't have  
 13 to come back ten feet from the property line.  
 14 COMMISSIONER BOSARGE: It's just the end of the  
 15 boathouse that is extending out?  
 16 ROCHELLE JOHNSON: They feel like eighteen feet  
 17 is not enough room for them to get back and forth.  
 18 COMMISSIONER BOSARGE: I know, but that's kind  
 19 of beside the point. The distance between the two docks  
 20 is beside the point.  
 21 CHRIS PICKERING: Yes.  
 22 COMMISSIONER BOSARGE: The point is the distance  
 23 from your boathouse to the property line which has to be  
 24 ten feet.  
 25 Correct?

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1 CHRIS PICKERING: Right.  
 2 COMMISSIONER BOSARGE: How close are they to the  
 3 property line, now?  
 4 CHRIS PICKERING: We don't know for sure,  
 5 without having a survey done that shows the existing  
 6 structure on the survey.  
 7 COMMISSIONER GOLLOTT: If these folks are  
 8 willing to do that, let them do it. I mean, you are  
 9 talking about a lot of money redoing this thing.  
 10 ROCHELLE JOHNSON: Yes, we are.  
 11 COMMISSIONER GOLLOTT: It would be better to  
 12 know exactly how far.  
 13 If you've got to move it back, exactly how far  
 14 are they talking about?  
 15 Maybe you could just take off your eave that  
 16 hangs over your boathouse.  
 17 COMMISSIONER BOSARGE: Does the boathouse run  
 18 parallel to the property line?  
 19 PETER JOHNSON: Yes, it does. It's between a  
 20 foot and eighteen inches from that property line, going  
 21 out into the water.  
 22 COMMISSIONER GOLLOTT: So you would have to tear  
 23 the boathouse down to get in compliance?  
 24 PETER JOHNSON: Yes -- well, not in compliance,  
 25 no. The Bradleys have signed off that we could build

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1 within ten feet of their property line going out into the  
 2 water. They have signed off on that. It's just that the  
 3 whole structure is about eight feet further out into the  
 4 water. It's not encroaching onto their property line.  
 5 WILLA BRANTLEY: Which is approximately from  
 6 this piling to this piling (indicating slide).  
 7 CHRIS PICKERING: So, like, an eight-point-two-  
 8 five-by-ten-foot square on the corner there is what they  
 9 don't have permission for.  
 10 WILLA BRANTLEY: And I would remind the  
 11 Commissioners that if you allow a structure within ten  
 12 feet of the property line, without the adjacent property  
 13 owners' authorization, that is a new precedent that we  
 14 would be setting. We have never allowed that before, and  
 15 there have actually been structures that had to be torn  
 16 out that the Commission ruled had to be taken out because  
 17 they were within ten feet of the property line without  
 18 permission.  
 19 COMMISSIONER GOLLOTT: I understand. What I  
 20 would be in favor of is letting you get in compliance and  
 21 waiving the fines because it is going to cost you a lot of  
 22 money to redo this.  
 23 WILLA BRANTLEY: We are not recommending the  
 24 fine to the property owners. We are recommending the fine  
 25 to the agent because he has been fined --

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1 COMMISSIONER GOLLOTT: (Interposing) The agent  
 2 is going to have to be involved in it so it is going to  
 3 cost him money, too.  
 4 WILLA BRANTLEY: He has had multiple violations  
 5 and multiple fines.  
 6 COMMISSIONER GOLLOTT: Well, we are talking  
 7 about this one.  
 8 WILLA BRANTLEY: I just want you to have all the  
 9 facts, when you make the decision?  
 10 COMMISSIONER GOLLOTT: I understand. Thank you.  
 11 COMMISSIONER ZIMMERMAN: You said the agent has  
 12 had multiple fines before?  
 13 WILLA BRANTLEY: Yes, sir.  
 14 COMMISSIONER GOLLOTT: Like I say, it is going  
 15 to cost you a lot of money to modify this thing.  
 16 ROHELLE JOHNSON: It's heartbreaking.  
 17 COMMISSIONER GOLLOTT: Is the agent going to  
 18 help you do this?  
 19 COMMISSIONER BOSARGE: That's the way I would  
 20 like to see it go. I would like to do it to where the  
 21 agent has to fix the problem that he created, or we will  
 22 fine him.  
 23 COMMISSIONER GOLLOTT: Yes.  
 24 COMMISSIONER ZIMMERMAN: And I agree with that.  
 25 I mean, he stood here and, frankly, as far as I'm

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1 concerned, I make my decision, when he said he made the
2 choice to move it eight feet. He should not have done
3 that.
4 That's why you are here, and I feel sorry for
5 you because of his action, and he is the one who should be
6 having the pain, at this point, and not you. You paid for
7 something, and he made a decision to screw it up, and I
8 understand that.
9 PETER JOHNSON: We will try and get some
10 agreement between the agent and us.
11 COMMISSIONER GOLLOTT: I think you've got some
12 leverage, and you could probably file a lawsuit against
13 him.
14 ROCHELLE JOHNSON: It's just...
15 COMMISSIONER GOLLOTT: It's not right for us to
16 fine you. I don't think. We should be fining him. I
17 agree, but, if you can get him to modify this thing and
18 bring it into compliance and obey the law, then, I think
19 we'll be okay.
20 I would like to make a motion to that affect.
21 COMMISSIONER DRUMMOND: Steve is going to do it.
22 COMMISSIONER GOLLOTT: That's fine.
23 COMMISSIONER BOSARGE: I'll make a motion that
24 we accept the staff's recommendations, proposing we fine
25 the agent ten thousand dollars, unless he brings the

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1 boathouse back into compliance.
2 CHRIS PICKERING: Just to let you know, he just
3 got finished paying ten thousand dollars.
4 COMMISSIONER BOSARGE: Well, he is going to have
5 to do it again.
6 PETER JOHNSON: Chris, can we also work with you
7 on whatever is going to be done, in the future, with this
8 to make sure that we are in compliance?
9 CHRIS PICKERING: Let me try to get it straight.
10 Are we bringing this back to the Commission?
11 Does the Commission want to see a survey?
12 COMMISSIONER GOLLOTT: Once we approve it, if he
13 doesn't do what he is supposed to do, it would come back
14 before us.
15 SANDY CHESTNUT: Chris, go back to the
16 recommendation slide, please.
17 CHRIS PICKERING: Yes.
18 SANDY CHESTNUT: There is no timeline specified,
19 in the recommendation.
20 Does the Commission want to impose a timeline
21 for this to be corrected?
22 COMMISSIONER BOSARGE: Forty-five days.
23 COMMISSIONER GOLLOTT: Okay.
24 He wants to put forty-five days.
25 SANDY CHESTNUT: So the motion is that you

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1 accept the staff's recommendation that the project be
2 brought into compliance within forty-five days?
3 COMMISSIONER BOSARGE: Or a ten thousand dollar
4 fine will be issued to the agent, if he doesn't bring the
5 project into compliance.
6 COMMISSIONER GOLLOTT: Do we need to put in
7 there if he brings it back into compliance, it will be
8 suspended, the fine?
9 COMMISSIONER BOSARGE: Yes. He is going to
10 spend his money one way, or the other.
11 COMMISSIONER ZIMMERMAN: Is that acceptable, Ms.
12 Chestnut?
13 SANDY CHESTNUT: Yes.
14 COMMISSIONER GOLLOTT: Do I have a second on
15 that motion?
16 COMMISSIONER ZIMMERMAN: I will second it.
17 COMMISSIONER GOLLOTT: We have a motion and we
18 have a second.
19 Is there any more discussion?
20 (No response.)
21 COMMISSIONER GOLLOTT: All those in favor say
22 aye.
23 (All in favor.)
24 COMMISSIONER GOLLOTT: Opposed?
25 (None opposed.)

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1 COMMISSIONER GOLLOTT: Motion carries.
2 Thank you.
3 PETER JOHNSON: Thank you.
4 ROCHELLE JOHNSON: Thank you.
5 COMMISSIONER ZIMMERMAN: I hope that gives y'all
6 some relief. I don't know what else we are able to do, as
7 a regulatory commission. Good luck.
8 PETER JOHNSON: Thank you.
9 CHRIS PICKERING: Next, we have a request for a
10 permit by Mr. Steve Holley, DMR Number 99467. It is
11 located on the Mississippi Sound at 10009 Point Aux Chenes
12 Road in Ocean Springs, Jackson County. It's in the
13 General Use District, and the agent is Lee Purvis.
14 This is an aerial showing Deer Island, going
15 into Biloxi Bay, and Highway 90. The thumbtack is Mr.
16 Holley's property (indicating slide).
17 He had an old pier here with some old existing
18 piling. That's where he is going to be putting the pier
19 (indicating slide).
20 He is proposing an access pier at three-hundred-
21 and-fourteen-feet long by six-feet wide, a pier twenty
22 feet by thirty-six feet, and a boathouse thirty-six feet
23 by thirty-six feet. The total shading, excluding the
24 access pier, is two thousand and sixteen square feet.
25 Here is his three hundred-and-fourteen-foot

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1 access pier, his pier at the end, and his boathouse  
 2 (indicating slide).  
 3 This is a picture of the property (indicating  
 4 slide).  
 5 The project does not serve a higher public  
 6 service.  
 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  
 11 project.  
 12 Piling installation may temporarily increase  
 13 turbidity, in the construction area, and may result in a  
 14 temporary decrease in the number of benthic organisms.  
 15 The shading of the terminal structure for the  
 16 proposed project would result in the shading of no more  
 17 than two thousand sixteen square feet of water bottoms.  
 18 No further impacts, beyond those already  
 19 described, are proposed.  
 20 Best management practices will be utilized,  
 21 during all phases of the construction, to minimize adverse  
 22 impacts to coastal wetlands.  
 23 No off-site alternatives have been considered  
 24 because this is a private residential lot and the project  
 25 serves to allow the property owner access to the water.

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1 The construction of piers and a boathouse do  
 2 require a waterfront location.  
 3 There are other similar structures in the area,  
 4 and this project is not expected to adversely affect the  
 5 natural scenic qualities.  
 6 Notification appeared in The Sun Herald and the  
 7 Mississippi Press, on October 19<sup>th</sup>, October 26<sup>th</sup>, and  
 8 November 2<sup>nd</sup>, 2014.  
 9 No comments were received.  
 10 DEQ is reviewing the project.  
 11 Archives and History has no objection.  
 12 Secretary of State says the project will not  
 13 require a tidelands lease.  
 14 wildlife, Fisheries and Parks asks for best  
 15 management practices to be implemented.  
 16 Based upon departmental review and evaluation,  
 17 staff recommends that the Commission approve the  
 18 applicant's request.  
 19 Any questions?  
 20 (No response.)  
 21 COMMISSIONER GOLLOTT: Do we have a motion?  
 22 COMMISSIONER BOSARGE: I'll make a motion we  
 23 accept staff's recommendation to approve the project.  
 24 COMMISSIONER GOLLOTT: Second?  
 25 COMMISSIONER ZIMMERMAN: Second.

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1 COMMISSIONER GOLLOTT: We have a motion and a  
 2 second.  
 3 All those in favor say aye.  
 4 (All in favor.)  
 5 COMMISSIONER GOLLOTT: Opposed?  
 6 (None opposed.)  
 7 COMMISSIONER GOLLOTT: The motion carries.  
 8 CHRIS PICKERING: Thank you.  
 9 JENNIFER WITTMANN: Good Morning. My name is  
 10 Jennifer Wittmann, and I will be presenting the next two  
 11 items on the agenda.  
 12 First, we have a request for exclusion, by the  
 13 Mississippi State Port Authority, located at the  
 14 Commercial Small Craft Harbor at the Mississippi State  
 15 Port in Gulfport. It is in the Industrial Development Use  
 16 District.  
 17 This is the Commercial Small Craft Harbor, in  
 18 reference to Highway 90, Highway 49, the State Port, and  
 19 the yacht basin (indicating slide).  
 20 The project will repair and replace damage to  
 21 the bulkhead and breakwater from Hurricane Katrina and the  
 22 addition of riprap will help maintain the integrity of the  
 23 bulkhead, underground utilities and the parking garage.  
 24 It will serve to protect the wall from the southwest fetch  
 25 and reflective wave energy within the Commercial Small

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1 Craft Harbor.  
 2 The applicant is seeking authorization to repair  
 3 and restore sixteen hundred and seventy-five feet of  
 4 existing breakwater, with riprap extending forty-four feet  
 5 waterward on the east side and thirty-eight feet waterward  
 6 on the west side.  
 7 They are also proposing to repair eighteen  
 8 hundred feet of bulkhead, with riprap extending distances  
 9 ranging from thirty-nine feet to forty-two feet waterward.  
 10 They are proposing to construct one hundred and  
 11 twenty-five feet of new bulkhead, with riprap extending  
 12 thirteen feet waterward.  
 13 The total fill for riprap is four point nine  
 14 four acres.  
 15 The applicant has requested a variance to  
 16 Chapter 8, Section 2, Part 111.0.1 of the Mississippi  
 17 Coastal Program which states:  
 18 "Permanent filling of coastal wetlands because  
 19 of potential adverse and cumulative environmental impacts  
 20 is discouraged."  
 21 This is a diagram of the existing breakwater in  
 22 the center here. You will have riprap that extends out on  
 23 either side, the existing bulkhead that will be replaced,  
 24 and riprap extending out thirty-nine to forty-four feet,  
 25 and, then, the hundred and twenty-five feet of new

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1 bulkhead with thirteen feet of riprap (indicating slide).  
2 Cross sections of the area. Again, the existing  
3 breakwater in the middle, with riprap extending out either  
4 side with the geotextile fabric placed on the bottom to  
5 prevent sinking of the riprap, once it is installed, and  
6 the existing bulkhead with riprap extending out  
7 (indicating slide).

8 The project has a public benefit, by repairing  
9 damage from past storms and protecting the integrity of  
10 the existing bulkhead and existing underground utilities,  
11 and providing a wave barrier and damper within the  
12 Commercial Small Craft Harbor.

13 The project is allowable within the Industrial  
14 Development Use District.

15 The applicant has requested a variance to  
16 Chapter 8, Section 2, Part 111.0.1 of the Mississippi  
17 Coastal Program, and that has been justified under Chapter  
18 8, Section 2, Part 1.E.2.c.iv which states that the  
19 activity requires a waterfront location, there is a  
20 significant public benefit in the activity, and a public  
21 hearing has been held.

22 There are no precedent setting effects expected.  
23 This site has historically been utilized as a harbor, and  
24 similar projects have been approved by the Commission.

25 The Commercial Small Craft Harbor is an area

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1 that has historically experienced degraded water quality,  
2 specifically dissolved oxygen and biological oxygen  
3 demand.

4 Several different breakwater designs have been  
5 evaluated by the applicants, to determine if improvements  
6 to the water circulation could be made and would,  
7 therefore, have a positive impact on the water quality  
8 within the harbor, but no significant improvements were  
9 observed, during the hydrodynamic model simulations. The  
10 project should not have an adverse impact on the existing  
11 water quality within the Commercial Small Craft Harbor.

12 The full extent of the project consists of the  
13 proposed bulkhead, armoring, breakwater, and future docks  
14 and piers.

15 Best management practices will be utilized,  
16 during all phases of construction, and should reduce any  
17 adverse impacts.

18 The applicant, again, utilized hydrodynamic  
19 model simulations to evaluate three different breakwater  
20 designs.

21 I'm going to go through the designs, and, then,  
22 I have a diagram that kind of shows them a little more  
23 clearly.

24 The first was to place rock-armored breakwater  
25 aligned with the existing breakwater.

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1 The second was the placement of rock-armored  
2 breakwater aligned with the existing breakwater, with  
3 removal of an existing three hundred foot dog leg at the  
4 southern end of the breakwater.

5 The third was the placement of the rock-armored  
6 breakwater aligned with the existing breakwater, with the  
7 addition of a thirty-foot gap in the breakwater to allow  
8 for tidal exchange.

9 Designs two and three reduced the velocities of  
10 water at the entrance of the channel, but resulted in  
11 negligible increases in water velocities in the northern  
12 harbor.

13 The water quality, in the Commercial Small Craft  
14 Harbor, depends on how well the basin is flushed which  
15 depends on the water circulation, and the proposed project  
16 serves to provide wave protection, but not improved water  
17 circulation.

18 This is the first option that they looked at.  
19 The red is the highest velocity of water, and, then, the  
20 orange and the yellow, and it goes down (indicating  
21 slide).

22 This is the existing breakwater with the three  
23 hundred foot dog leg, and you can see you have high  
24 velocities right at the mouth, and they diminish as you  
25 come into the Small Craft Harbor (indicating slide).

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1 The removal of the three hundred foot dog leg  
2 did decrease the water velocities near the mouth, but did  
3 not allow for water circulation further into the harbor,  
4 and the third option, like the second, did decrease the  
5 velocities, but did not allow water circulation much  
6 further into the harbor, and the gap placed within the  
7 breakwater did not allow for much difference in the water  
8 circulation in the area (indicating slide).

9 The proposed project is within the footprint of  
10 the existing Commercial Small Craft Harbor at the  
11 Mississippi State Port and no alternatives have been  
12 considered.

13 The construction of bulkheads, armoring, and  
14 breakwaters does require a waterfront location.

15 The project is located in an area that has  
16 historically been utilized as a port and commercial small  
17 craft harbor, and scenic qualities should not be adversely  
18 impacted.

19 The Mississippi Coastal Program states that  
20 State agencies shall consider the following aspects of the  
21 national interest, including the national need for  
22 transportation, including ports and navigation.

23 Notification of the project appeared in The Sun  
24 Herald, as required, and no public comments have been  
25 received.

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1 A public hearing was held on November 3<sup>rd</sup>, 2014,  
 2 and no public comments were received.  
 3 Department of Environmental Quality is currently  
 4 reviewing the project.  
 5 Wildlife, Fisheries and Parks recommends best  
 6 management practices.  
 7 Archives and History had no objection.  
 8 The Secretary of State's office has stated that  
 9 a tidelands lease will be required.  
 10 Based on departmental review and evaluation, it  
 11 has been determined that the project is consistent with  
 12 the Mississippi Coastal Program because the project has a  
 13 public benefit by repairing damage from past storms and  
 14 protecting the integrity of the existing bulkhead and  
 15 existing underground utilities, as well as providing a  
 16 wave barrier and damper in the Commercial Small Craft  
 17 Harbor.  
 18 Therefore, staff recommends approval of the  
 19 applicant's variance request and plans to approve the  
 20 project, contingent on clearance from the Mississippi  
 21 Department of Environmental Quality.  
 22 At this point in time, the port is in  
 23 negotiations with some tenants that may be coming into the  
 24 Commercial Small Craft Harbor. If, at that point, piers  
 25 need to be constructed, they would propose to add

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1 Next, we have a request for permit by Huntington  
 2 Ingalls Industries, located on the Pascagoula Bay in  
 3 Pascagoula. It's in the Industrial Development Use  
 4 District, and Burk-Kleinpeter, Incorporated, is the agent.  
 5 This is the project location, in reference to  
 6 Highway 90 and Market Street in Pascagoula (indicating  
 7 slide).  
 8 The applicant is proposing the continual  
 9 maintenance dredging of an existing ship berth to thirty-  
 10 eight feet below mean low water, the existing launch pit  
 11 to seventy-one feet below mean low water, and the existing  
 12 sonar pit to a depth of fifty feet below mean low water.  
 13 This dredging would be as needed over a ten-year  
 14 period for the purpose of maintaining shipyard activities.  
 15 The projected total amount of dredge material  
 16 totals two million one thousand cubic yards, and the  
 17 applicant is proposing that the dredged material be  
 18 disposed of at an approved onsite upland location.  
 19 The applicant was previously granted a variance  
 20 to the Mississippi Coastal Program, Chapter 8, Section 2,  
 21 Part 111.G.4 which states that access canals shall be of  
 22 uniform depth, or become gradually shallower, proceeding  
 23 from the receiving body of water, and they shall be no  
 24 deeper than the parent body of water.  
 25 This is a diagram. The light areas are the

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1 circulators to the piers.  
 2 At one point after Hurricane Katrina, there were  
 3 fountain-type circulators added to the small craft harbor,  
 4 but they just don't function really well, if they are not  
 5 attached to a structure.  
 6 When the additional and future piers are built,  
 7 they are proposing to add some circulators to those piers  
 8 to try to help increase the water quality within the area.  
 9 Right now, the pilot boats are really the only  
 10 vessels that use the small craft harbor on a regular  
 11 basis.  
 12 COMMISSIONER DRUMMOND: I make a motion, Mr.  
 13 Chairman, that we accept the staff's recommendation to  
 14 approve the variance and the project.  
 15 COMMISSIONER GOLLOTT: Do we have a second?  
 16 COMMISSIONER ZIMMERMAN: Second.  
 17 COMMISSIONER GOLLOTT: Any discussion?  
 18 (No response.)  
 19 COMMISSIONER GOLLOTT: All those in favor say  
 20 aye.  
 21 (All in favor.)  
 22 COMMISSIONER GOLLOTT: Opposed?  
 23 (None opposed.)  
 24 COMMISSIONER GOLLOTT: Motion carries.  
 25 JENNIFER WITMANN: Thank you.

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1 areas that will be of a uniform depth, and the sonar pit  
 2 and the launch pits will be deeper (indicating slide).  
 3 The project has a public benefit, by allowing  
 4 Huntington Ingalls Industries Pascagoula facility to  
 5 continually maintenance dredge specific areas to specific  
 6 depths needed to build Naval, Merchant Marine, and  
 7 commercial vessels.  
 8 The proposed project is allowable within the  
 9 Industrial Development Use District.  
 10 The applicant was previously granted a variance  
 11 to the Mississippi Coastal Program, and that variance was  
 12 justified under Chapter 8, Section 2, Part 1.E.2.c.iv  
 13 which states that the activity requires a waterfront  
 14 location, there is a significant public benefit, and a  
 15 public hearing has been held.  
 16 There are no precedent-setting effects expected.  
 17 This site has historically been utilized as an industrial  
 18 site, and permits have previously been issued for dredging  
 19 to these depths, and similar projects have been approved  
 20 by the Commission.  
 21 The project should not have any adverse impacts,  
 22 other than the loss of benthic organisms. It will not  
 23 affect the supply of sediments, nutrients, temperature,  
 24 salinity, water flow, or circulation.  
 25 An increase in turbidity is expected, during the

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1 dredging process. However, it should not exceed  
 2 Department of Environmental Quality's water quality  
 3 guidelines.  
 4 Best management practices will reduce any  
 5 impacts. The proposed depths are necessary for Huntington  
 6 Ingalls Industries Pascagoula facility to continue  
 7 building Naval, Merchant Marine, and commercial vessels.  
 8 Off-site alternatives have not been considered,  
 9 as this is a maintenance dredging project.  
 10 The maintenance dredging of the berths, launch  
 11 and sonar pits does require a waterfront location.  
 12 The project is in an area that has historically  
 13 been utilized as an industrial area and scenic qualities  
 14 should not be adversely impacted.  
 15 The Mississippi Coastal Program states that  
 16 State agencies shall consider the following aspects of the  
 17 national interest, including the national need for  
 18 transportation, including ports and navigation, and the  
 19 need for the national defense, and to establish and  
 20 maintain facilities necessary to accomplish this.  
 21 Notification of the project appeared in The Sun  
 22 Herald and the Mississippi Press, as required. No public  
 23 comments were received.  
 24 DEQ is currently reviewing the project.  
 25 Wildlife, Fisheries and Parks recommended best

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1 management practices.  
 2 Department of Archives and History had no  
 3 comments.  
 4 Secretary of State's office had no issue.  
 5 Based on departmental review and evaluation, it  
 6 has been determined that the project is consistent with  
 7 the Mississippi Coastal Program because the project has a  
 8 public benefit, by allowing Huntington Ingalls Pascagoula  
 9 facility to continually maintenance dredge specific areas  
 10 to certain specific depths needed to build Naval, Merchant  
 11 Marine, and commercial vessels.  
 12 Therefore, staff recommends approval of the  
 13 project, with the condition that the applicant be required  
 14 to use a DMR-approved Beneficial Use Site, in accordance  
 15 with Mississippi Code 49-27-61, and is contingent on  
 16 clearance from MDEQ.  
 17 Should a Beneficial Use Site not be available,  
 18 when the dredging takes place -- at this point, it is  
 19 slated to be 2017 -- the applicant will be required to  
 20 submit all applicable dredge fees as determined by DMR  
 21 staff.  
 22 I'm happy to answer any questions, and we also  
 23 have a representative from Burk-Kleinpeter and Huntington  
 24 Ingalls.  
 25 COMMISSIONER DRUMMOND: Do they have a permit,

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1 now?  
 2 Does Ingalls have a permit to do this, now?  
 3 JENNIFER WITMANN: They had a permit. It was a  
 4 ten-year permit. It just expired in October.  
 5 COMMISSIONER BOSARGE: Do you think that the  
 6 dredge spoils will be suitable for a Beneficial Use Site?  
 7 JENNIFER WITMANN: We will have to test the  
 8 materials to be sure.  
 9 COMMISSIONER BOSARGE: Okay.  
 10 JENNIFER WITMANN: I didn't know if George maybe  
 11 had an idea, but they would be required to go through the  
 12 testing, and, if it is approved for beneficial use, then,  
 13 they would be required to use the Beneficial Use Site.  
 14 Otherwise, it could go to their onsite disposal area.  
 15 COMMISSIONER BOSARGE: I make a motion that we  
 16 accept the staff's recommendation.  
 17 COMMISSIONER GOLLOTT: Do we have a second?  
 18 COMMISSIONER DRUMMOND: Second.  
 19 COMMISSIONER GOLLOTT: We have a motion and a  
 20 second.  
 21 Any more discussion?  
 22 (No response.)  
 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: Motion carries.  
 4 JENNIFER WITMANN: Thank you.  
 5 COMMISSIONER GOLLOTT: Office of finance -- oh,  
 6 wait. One more.  
 7 JAN BOYD: Very quick. I just wanted to give  
 8 y'all an update on what we've done from January to the end  
 9 of October, as far as permitting actions.  
 10 We had four hundred and forty-six total actions.  
 11 Of those, twelve of the permit extensions/modifications  
 12 came before y'all.  
 13 Thirty violations were reported. All of these  
 14 didn't turn out to be violations. Some were people that  
 15 had permits, but just didn't have them posted. Some were  
 16 actually violations and we worked them out, without having  
 17 to bring them before y'all. We didn't bring but a total  
 18 of six violations to the Commission, during that period.  
 19 Any questions?  
 20 COMMISSIONER GOLLOTT: Thank you, Jan.  
 21 COMMISSIONER BOSARGE: You are doing a good job.  
 22 JAN BOYD: I thought it was important that y'all  
 23 knew we did more than just what we brought to you.  
 24 COMMISSIONER BOSARGE: Is this running kind of  
 25 average with last year?

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1 JAN BOYD: I think it's about the same as last  
 2 year.  
 3 Previous to Katrina, we were doing over a  
 4 thousand a year. It's picking up.  
 5 COMMISSIONER BOSARGE: Thank you.  
 6 COMMISSIONER GOLLOTT: Bill, Office of Finance.  
 7 BILL FEIDT: Good Morning everyone. I will take  
 8 you through the financial position of the agency, as of  
 9 the end of October.  
 10 State revenue year to date of three-and-a-half  
 11 million dollars.  
 12 Total agency revenue of fifteen point two  
 13 million.  
 14 We have already received the Tidelands check for  
 15 this year. It has been transferred over into our account.  
 16 On the net side, the State has a negative  
 17 balance of eighty-five thousand dollars. This is  
 18 primarily due to MAGIC issues which is a new State  
 19 accounting system. The inter-agency payments have been  
 20 kind of lasting. They have worked the kinks out because  
 21 it is transferring money from the left pocket to the right  
 22 pocket. The good news is we will get that caught up over  
 23 the next couple of months. It's not a concern, at this  
 24 point.  
 25 Overall, operating funds have a net of negative

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1 five hundred twenty-eight thousand. That is due to the  
 2 reimbursement nature of our Federal funds. You will see a  
 3 negative balance of about four hundred and forty thousand  
 4 dollars, on our Federal funds. That is all money that we  
 5 will recoup in the next fifteen to thirty days.  
 6 Any questions on this?  
 7 (No response.)  
 8 BILL FEIDT: From a budget standpoint, after  
 9 four months, we are in good shape.  
 10 Operating funds have seventy-six percent of the  
 11 budget remaining.  
 12 In Tidelands, we have ninety percent of the  
 13 budget remaining.  
 14 Any questions?  
 15 COMMISSIONER GOLLOTT: Are we solvent?  
 16 BILL FEIDT: We are solvent. We are in very  
 17 good shape.  
 18 With that, we are going to turn it over to Sonja  
 19 Slater. She is going to give us a snapshot of where we  
 20 are in the Tidelands process.  
 21 COMMISSIONER GOLLOTT: Thank you.  
 22 SONJA SLATER: I'm going to go over the FY16  
 23 Tidelands application process, just to let you know where  
 24 we are in the process.  
 25 You are all aware of the Tidelands Act,

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1 Mississippi Code of 1972, and that we look at  
 2 Conservation, Reclamation, Preservation, Acquisition,  
 3 Education and Public Access projects.  
 4 This a history of where we have been since 05  
 5 and where we are, now, with the Tidelands funding. In  
 6 FY15, we received nine point seven million (indicating  
 7 slide).  
 8 This is our schedule. We start accepting  
 9 applications in May of every year. We stop accepting them  
 10 on July 1<sup>st</sup> of every year. Between July and August, we  
 11 have a compliance review. Between September and October,  
 12 we have a merit review (indicating slide).  
 13 Now, we're in November with the Commission  
 14 meeting. In December, they will be presented to the  
 15 legislative forum. In January, the projects will be voted  
 16 on, in the legislature. By April, we should have the  
 17 appropriation bill. Then, again, in November, we should  
 18 have the check, and between November and December, they  
 19 will be awarded for their FY16 projects. I have already  
 20 sent out the FY15 awards for this year (indicating slide).  
 21 For FY16, we received a hundred and twenty  
 22 applications; over twenty-eight million in requests.  
 23 Forty-three of those were public access with thirteen  
 24 million requested, and seventy-seven were managed projects  
 25 with fourteen million requested.

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1 We only received nine point seven million, in  
 2 FY15. We should receive about the same, or a little more,  
 3 in FY16. As you can see, we have way more requested than  
 4 what we are able to fund each year (indicating slide).  
 5 This is the breakdown of the FY16 applications  
 6 by city. As you can see, each city has put in an  
 7 application. They have one to four projects, and what the  
 8 total dollar value is. We had twenty-five applications  
 9 submitted by cities for a total of seven point eight  
 10 million dollars in requests (indicating slide).  
 11 Our Board of Supervisors in each county also  
 12 submit applications. We had nine applications submitted  
 13 by the three coastal Board of Supervisors for a total of  
 14 three point one million requested (indicating slide).  
 15 We also have public access projects that don't  
 16 fall in the city, or municipality, realm. They are more  
 17 miscellaneous projects by different agencies in the area.  
 18 This is a list of those agencies and the number of  
 19 projects that they request. We had a total of twelve of  
 20 those and they requested three point five million  
 21 (indicating slide).  
 22 For our managed projects, they usually run MDMR  
 23 requests, the universities requests, and we do have a  
 24 small portion of other requests. We had twenty  
 25 applications from MDMR to the tune of three point seven

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1 million. We had forty-two requests for universities to  
2 the tune of eight point one million. Fifteen other  
3 project requests from other agencies to the tune of two  
4 point nine million (indicating slide).

5 Any questions?

6 COMMISSIONER GOLLOTT: Thank you, ma'am.

7 COMMISSIONER DRUMMOND: Good job.

8 COMMISSIONER GOLLOTT: Coastal Restoration.

9 GEORGE RAMSEUR: Good morning Commissioners,  
10 Director Miller, and counsel. I'm pleased to give the  
11 first report for the Commission from the new office of  
12 Coastal Restoration and Resilience.

13 I wanted to give you an idea of two of the most  
14 active areas in the office, right now, even though it  
15 covers many more bases. Primarily, those are the CIAP and  
16 the Heritage programs.

17 I would like to acknowledge Jennifer Wagner and  
18 Rhonda Price who are here for holding these two programs  
19 together, over the last couple of years, and we are  
20 rapidly developing our program to handle more action under  
21 these programs and additional programs, as they come up.

22 CIAP, the second round stood up in 2006 for a  
23 total of about a hundred and nine million dollars. We are  
24 still working under that second round which will sunset  
25 for closeout December of 2016.

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1 dollars.

2 They issued a report that included two tiers of  
3 corrective action. So far, we have completed compliance  
4 with the first tier, and funds for 2014 were released to  
5 the tune of three hundred thousand dollars.

6 We are working on compliance with the second  
7 tier, right now. Once we get that complied with, we can  
8 look forward to additional funding for the 2015 cycle  
9 which should be also in the range of about three hundred  
10 thousand dollars.

11 The Coastal Heritage area is the six coastal  
12 counties. The main objective of this program is to  
13 encourage general and nature-based tourism. Also, as an  
14 obligation of part of the grant program, we need to  
15 develop a GIS/web-based design component which is designed  
16 to put more of the options for tourism on the Coast in  
17 more of an electronic and possibly even a smartphone  
18 application so people can readily access all the  
19 interesting parts of the Coast and have plenty of  
20 information about what they are looking at.

21 The third major part of this is the grant  
22 program which will help people with everything from  
23 signage to other aspects. It can improve nature trails,  
24 or other things, that would get people to points of  
25 interest along the Coast.

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1 We have a third round possible, but it is likely  
2 to be smaller; more in the ten to twenty million dollar  
3 range, and there are a number of things that have to  
4 happen for that to occur.

5 Right now, the challenge, with the current  
6 second round, is to spend the remainder of the funds  
7 efficiently before the closeout in December.

8 This chart was prepared by CRS for this second  
9 round CIAP. It shows the initial hundred and nine million  
10 dollar award, and, then, expenditures total to date of  
11 about fifty-nine million dollars (indicating slide).

12 That means that, essentially, of the DMR  
13 specific part of the grant, we have spent sixty-three  
14 percent. The counties have spent roughly forty percent.  
15 This is the sub-grant part of the granting program. You  
16 can there is quite a bit of funding left to spend in these  
17 last two years, and that is to be done in an evermore  
18 carefully-managed set of parameters that include, in some  
19 cases, Federal standards for acquisition and surveys,  
20 appraisals, and that sort of thing (indicating slide).

21 The other major grant area, right now, is  
22 National Park Service Program. Here at Coastal Heritage,  
23 this program was audited by the Office of Inspector  
24 General, and the funding for this program was withheld  
25 last year. That was two hundred and twenty-five thousand

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1 One other area I want to talk about, you-all may  
2 have seen in the news the last day, or two, the governor  
3 has announced twenty-eight million dollars for coastal  
4 restoration, under the National Fish and wildlife  
5 Foundation. That includes three major areas certainly of  
6 interest to us in the coastal zone; that being twenty-one  
7 million dollars for beneficial use of dredge material  
8 program, four million dollars for an invasive species  
9 program, and two point six million dollars for a fish  
10 stock assessment-type program.

11 That is just a brief overview of three of the  
12 main facets of the new office, and I just wanted to get up  
13 and talk to you folks about what we are doing.

14 Do you have any questions?

15 COMMISSIONER DRUMMOND: Where does the grant  
16 money come from?

17 GEORGE RAMSEUR: The Heritage Grant comes from  
18 the Park Service. The CIAP comes through Fish and  
19 wildlife Service. So it's Federal.

20 COMMISSIONER GOLLOTT: Thank you very much.

21 GEORGE RAMSEUR: You're welcome. Thank you.

22 COMMISSIONER GOLLOTT: Next we have Public  
23 Affairs.

24 BROOKE GOFF: Good morning Commissioners,  
25 Director Miller, and counsel. My name is Brooke Goff.

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1 I'm with the office of Public Affairs, and I'm just going  
2 to give a brief report of some of the happenings since the  
3 last Commission meeting.

4 The Department of Marine Resources was mentioned  
5 thirty-four times in local, state and national media,  
6 since the last meeting.

7 Items of particular interest included ground  
8 breaking at Harbor Landing in Ocean Springs and the  
9 opening of the oyster season.

10 Seafood Marketing sponsored a booth at the Peter  
11 Anderson Festival, on November 1<sup>st</sup> and 2<sup>nd</sup>. Six chefs from  
12 Ocean Springs demonstrated how to make various seafood  
13 dishes in your own home and provided tastings for the  
14 audience.

15 November 8<sup>th</sup> and 9<sup>th</sup>, Seafood Marketing sponsored  
16 five chefs at the Gulf Oyster Festival in Gulf Shores,  
17 Alabama. Ten chefs in total from Mississippi competed in  
18 three categories. Nine placed, and three won top prizes.

19 Rick Ranew, Education Specialist at Grand Bay  
20 NERR, was named 2014 Outstanding Marine Educator, by the  
21 Southern Association of Marine Educators. Rick travels to  
22 schools throughout the area, teaching students about the  
23 importance of Marine Resources.

24 Rick said about the award, "My reward is always  
25 inspiring the students along the Gulf Coast to become

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1 better stewards of the coastal habitats. It is great to  
2 be a representative of the Mississippi Department of  
3 Marine Resources."

4 Marine Patrol officers have also spent time in  
5 south Mississippi classrooms recently. Officers have  
6 participated in career fairs and health and safety fairs,  
7 talking to students about law enforcement and boater  
8 safety.

9 Any questions?

10 COMMISSIONER GOLLOTT: Thank you very much.

11 BROOKE GOFF: Thank you.

12 COMMISSIONER GOLLOTT: Do we have any other  
13 business to be discussed?

14 (No response.)

15 COMMISSIONER GOLLOTT: with no other business,  
16 how about public comments?

17 Do we have anybody that wants to speak?

18 FROM THE FLOOR: Yes.

19 COMMISSIONER GOLLOTT: Come to the podium and  
20 state your name.

21 HAROLD STRONG: My name is Harold Strong. I  
22 received a ticket, on November the 14<sup>th</sup>, Friday, for  
23 working outside of an area, St. Joe Reef.

24 I had called the hotline and it didn't have that  
25 on the hotline. It just had the area.

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1 I was told later that there was a flier that we  
2 were supposed to have issued to us, in Hancock County and  
3 Harrison County, at the check station.

4 when I questioned the guy that was running the  
5 station -- his name is William. I don't know his last  
6 name -- he didn't know of any fliers and he didn't know  
7 that any area was closed inside of Area 1B.

8 I have since gotten one of the fliers from one  
9 of the officers, Saturday evening, and it still wasn't on  
10 the board down at the checkout station.

11 We have a Mississippi Oyster Hotline, and that  
12 is where I was supposed to call to get my information for  
13 what is going on each day. It just got on there today.  
14 It wasn't on there before today.

15 I was made to throw my oysters overboard, five  
16 hundred dollars. I was arrested, brought to jail, strip  
17 searched, and it was pretty humiliating and embarrassing  
18 to be honest with you.

19 I would like to have the charges dropped against  
20 me and me refunded my money for my oysters I lost.

21 I would personally like an apology from  
22 somebody. I don't know who that is going to be, or if it  
23 is even possible, but I feel like I deserve one because I  
24 have never been so humiliated in my life.

25 I wish anyone of you could have been up there

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1 and received the same treatment. You would probably feel  
2 the same way.

3 We have a total lack of communication between  
4 the task force, the Commission, and the office because  
5 nobody in Hancock County knew about this flier, until  
6 yesterday and day before yesterday (indicating document).

7 We have a hotline that all of this information  
8 should have been posted on and every time that we do  
9 anything in this State it should be posted on there, if it  
10 has to do with oysters. That's what it is for.

11 If the Commission doesn't want to work with the  
12 task force and the office doesn't want to work with the  
13 task force, I will resign my spot on there. I don't need  
14 it. I do what I do for this State and for the fishermen,  
15 and I try and go overboard to help this Commission in  
16 every way possible.

17 I have been wronged, and I just want it made  
18 right, but I feel like I should be apologized to by  
19 somebody. That's all I have to say.

20 COMMISSIONER GOLLOTT: well, Harold, let me say  
21 this. I apologize to you, and I think you were wronged.  
22 When I made the motion to open it, at the last meeting, it  
23 was the St. Joe area. It wasn't the St. Joe Reef, and I  
24 think that's where the misunderstanding came from. As far  
25 as I'm concerned, it stands, the St. Joe area.

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1 I don't understand why you went to jail.  
 2 Were there other circumstances?  
 3 HAROLD STRONG: No. I cooperated with them. I  
 4 was handcuffed, in front of a bunch of people, dragged to  
 5 jail and strip searched.  
 6 COMMISSIONER GOLLOTT: I apologize for the  
 7 Commission, and we will work on this. I don't think it is  
 8 right to arrest a fisherman. They should have issued you  
 9 a ticket and let it go to court and decide it, as far as  
 10 I'm concerned.  
 11 HAROLD STRONG: I agree.  
 12 To start with, there are oysters all over the  
 13 St. Joe area. That's why I brought this (indicating  
 14 document).  
 15 Can I come up there and show you something?  
 16 COMMISSIONER GOLLOTT: Sure.  
 17 HAROLD STRONG: This is the St. Joe area. When  
 18 I brought the people out on the boat, the Commissioners  
 19 and Jamie, there are oysters all down this channel  
 20 (indicating document).  
 21 Why is just this open (indicating document)?  
 22 There are oysters out here that are going to  
 23 die. They are four- and five-inch oysters. I have come  
 24 out here and made my oysters, in two hours. Yesterday, I  
 25 went out in the bad weather, and made two sacks in ten

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1 minutes, and I brought another boat in because his boat  
 2 was broke down and his wife was scared to death, or I  
 3 would have stayed out and got my oysters. Everybody else  
 4 that worked yesterday got their ten sacks and was in way  
 5 before the time limit. There are plenty of oysters all  
 6 down this (indicating document).  
 7 Why don't you open up area 1B?  
 8 There are no oysters anywhere else, but the St.  
 9 Joe, down there, and let it go like the Commission  
 10 originally approved it to start with.  
 11 COMMISSIONER GOLLOTT: I think the St. Joe area  
 12 is open. I agree with you, and we will get with the staff  
 13 and see if we can work it out.  
 14 HAROLD STRONG: Thank you.  
 15 COMMISSIONER GOLLOTT: Thank you.  
 16 With no other business, do I have a motion to  
 17 adjourn?  
 18 COMMISSIONER DRUMMOND: I make a motion we  
 19 adjourn, Mr. Chairman.  
 20 COMMISSIONER GOLLOTT: Do we have a second?  
 21 COMMISSIONER ZIMMERMAN: Second.  
 22 COMMISSIONER GOLLOTT: Motion made and seconded.  
 23 All those in favor say aye.  
 24 (All in favor.)  
 25 COMMISSIONER GOLLOTT: Adjourned.

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1 (Whereupon, at 11:27 o'clock, a.m., the November  
 2 18, 2014, meeting of the Commission on Marine Resources  
 3 was concluded.)

C E R T I F I C A T E

4  
 5  
 6 I, Lucille Morgan, Certified Shorthand Reporter, do  
 7 hereby certify that the above and foregoing is a true and  
 8 correct transcript of the November 18, 2014, meeting of  
 9 the Commission on Marine Resources, as taken by me at the  
 10 time and place heretofore stated in the aforementioned  
 11 matter in shorthand, with electronic verification, and  
 12 later reduced to typewritten form to the best of my skill  
 13 and ability; and, further, that I am not a relative,  
 14 employee, or agent, of any of the parties thereto, nor  
 15 financially interested in the cause.

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