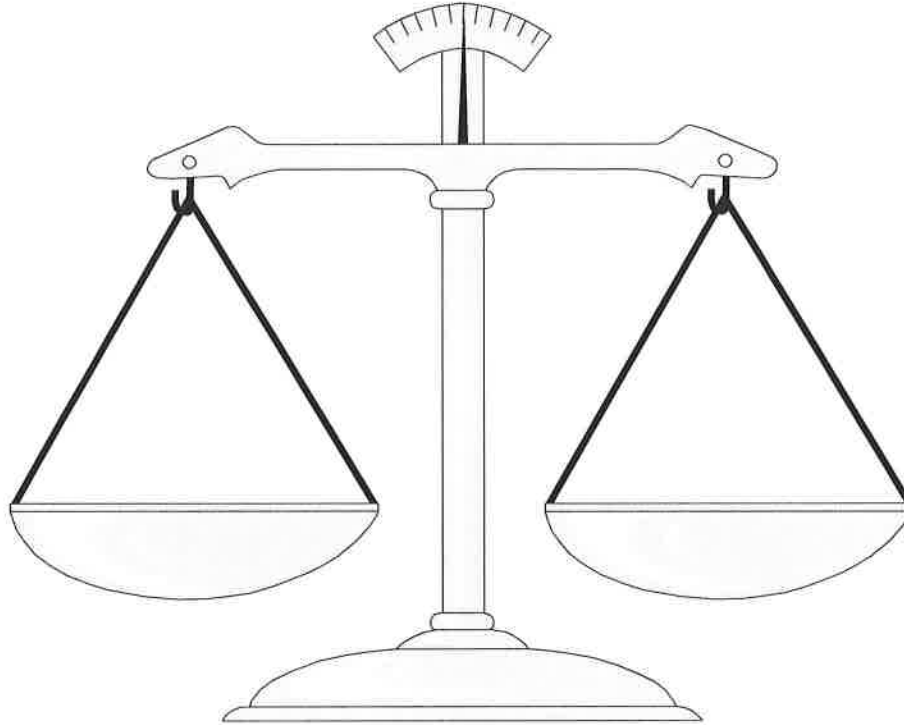


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COMMISSION ON MARINE RESOURCES

## COMMISSION MEETING

December 20, 2011

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



1 COMMISSION ON MARINE RESOURCES  
2  
3 MEETING OF COMMISSION ON MARINE RESOURCES  
4 December 20, 2011  
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7 TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT  
8 BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW  
9 AVENUE, BILOXI, MISSISSIPPI, ON THE 20TH DAY OF DECEMBER 2011  
10 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER  
11 SOROE, CERTIFIED SHORTHAND REPORTER.  
12 \*\*\*\*\*  
13  
14 COMMISSION MEMBERS PRESENT:  
15 JIMMY TAYLOR, Acting Chairman  
16 RICHARD GOLLOTT  
17 STEVE BOSARGE  
18  
19 ALSO PRESENT:  
20 DR. WILLIAM WALKER, Executive Director DMR  
21 JOSEPH R. RUNNELS, ESQ., Asst. Attorney General  
22 SANDY CHESNUT, ESQ., Asst. Attorney General  
23  
24  
25

1 MR. TAYLOR: I asked if there were any changes.  
2 No changes, it passes.  
3 MS. CHESNUT: Okay.  
4 E. Executive Director's Report  
5 DR. WALKER: Mr. Chairman, I have one  
6 administrative enforcement case. It's in your packet under Tab  
7 E. It has to do with a gentleman who had some undersized and  
8 hidden red snapper on his vessel when marine patrol boarded  
9 him.  
10 I've met with that individual. He understands  
11 that he made a mistake. He's okay with paying the fine.  
12 I'm going to recommend to you all that we fine  
13 him \$2,000 with \$750 actually due to be paid as consistent with  
14 we have done with other similar cases.  
15 I'd like for you to, one, approve that  
16 recommendation; and, two, give me the authority to work out a  
17 payment plan for this individual.  
18 MR. GOLLOTT: So moved, Mr. Chairman.  
19 MR. BOSARGE: So second.  
20 MR. TAYLOR: All those in favor. Approved. It  
21 passes.  
22 Okay. Coastal ecology, Jan Boyd, please.  
23 H. Coastal Ecology  
24 MR. BOYD: Good morning, Mr. Chairman,  
25 commissioners, Dr. Walker.

1 A. Call to Order  
2 MR. TAYLOR: We'd like to call the regularly  
3 scheduled meeting of the Department of Marine Resources to  
4 order.  
5 B. Approval of Minutes Commission Meeting -  
6 November 15, 2011 - Action  
7 MR. TAYLOR: First up, approval of the minutes.  
8 Are there any changes?  
9 MR. GOLLOTT: So moved, Mr. Chairman.  
10 C. Approval of Agenda  
11 MR. TAYLOR: Okay. Next up is the agenda. And  
12 I understand we have some changes.  
13 MR. GOLLOTT: Yes, sir. Mr. Chairman, I'd like  
14 to move that we bring the action items to the head of the  
15 agenda because we've got a commissioner that's got to leave,  
16 but we can -- however, we can still handle the items that need  
17 action (sic) after one of our commissioners leave.  
18 MR. TAYLOR: Do I have a second?  
19 MR. BOSARGE: Second.  
20 MR. TAYLOR: All those in favor. Passes.  
21 First up, Bureau of Wetlands permitting.  
22 Back up. We'll do the executive director's  
23 report.  
24 MS. CHESNUT: Excuse me, Commissioner Taylor. I  
25 don't think that we voted on the approval of the minutes.

1 We have six action items for your consideration  
2 this morning. And Willa Brantley will be our first presenter.  
3 3. Bureau of Wetlands Permitting  
4 a. Alternative Construction Method Test Proposal  
5 MS. BRANTLEY: Good morning, commissioners. As  
6 Jan said, my name is Willa Brantley. I'm going to be  
7 presenting our first item. It's a little bit different than we  
8 normally present. It's not an application for a permit. It's  
9 a proposal that we have for you, and we are going to ask you to  
10 make a decision at the end of it.  
11 We have a request for authorization for an  
12 alternative construction method in tidal and tidally influenced  
13 marsh for access piers.  
14 This is an example. We a few permits over the  
15 years that have been approved by the commission for  
16 subdivisions where there's a large amount of tidal marsh where  
17 these were the homes and then the access pier would have to go  
18 very far across the tidal marsh.  
19 I don't know if you can rad this. This is like  
20 786 feet, this yellow line. And if you went all the way out to  
21 the tip, it would be close to 900 feet.  
22 So in these cases, sometimes the commission has  
23 required special conditions for the construction of access  
24 piers. This particular neighborhood requires that the access  
25 piers be built at least three feet above the top of the wetland

1 vegetation and be completely hand built. No heavy machinery is  
2 allowed to enter the marsh.

3           So what we have proposed is use of what's  
4 commonly called a marsh buggy to be used in those cases. It's  
5 got wide tracks on it. It's supposed to be far less damaging  
6 to the marsh even than a whole crew of guys carrying pilings  
7 out and dragging them through the marsh by hand.

8           So what we're proposing in the test case to  
9 allow one pier to be constructed with that method, and then  
10 after that's done, we'll come back with the results of that,  
11 pictures, a video, and then we would be proposing, if it's  
12 successful, if the marsh is not damaged, we'd be bringing it  
13 back and asking you to consider approving that method for all  
14 of those cases where the commission in the past put the  
15 condition on that they had to be hand built.

16           So this is what the application for the test  
17 case would be required to contain. It would have to be  
18 submitted to the Bureau of Wetlands Permitting in writing. It  
19 would have to be for a specific property that already has  
20 authorization for an access pier that crosses tidal and tidally  
21 influenced marsh or it would have to accompany an application  
22 for a pier like that. And it would have to contain  
23 specifications on the equipment that would be used, including  
24 the area of the tracks or the tires and the total weight of the  
25 equipment.

5

1 supposed to rebound after that. But if you go too many times,  
2 it causes ruts and kills the vegetation, so they would have to  
3 make different paths and minimize the number of times that they  
4 crossed an area.

5           If any ruts are created by the machinery, the  
6 contractor shall immediately cease construction, remove the  
7 machinery from the marsh, and restore the soil surface to the  
8 original elevation.

9           And if any vegetation is destroyed by the  
10 machinery, the contractor should immediately cease construction  
11 and remove the machinery from the marsh.

12           If the vegetation was destroyed, we would give  
13 it one whole growing season as we normally do to recover, and  
14 then after that it would have to be restored in accordance with  
15 our marsh restoration guidelines.

16           We would ask that a minimum of three stationary  
17 photo stations be established, and that photographic  
18 documentation be collected each day that construction takes  
19 place and submitted to the Bureau of Wetlands permitting weekly  
20 during construction.

21           And we would also be going out during  
22 construction taking our own pictures and video to be able to  
23 bring back and show you the results of the test case.

24           So at this time, we are asking you to give us  
25 permission to allow one test case to take place, and then once

7

1           And this is just an example spec sheet for one  
2 type of equipment that could be used. And I don't know if you  
3 can read this, but down here it's got the width of the track  
4 shoes, the ground pressure, and it's got the total operating  
5 weight of the machinery. So we would require something like  
6 this to be turned in so we would know what type machinery was  
7 going to be used specifically.

8           And these are some pictures. According to the  
9 contractor who has requested this at this time, the machinery  
10 that he would use would even have lighter tracks than these and  
11 would also be sort of buoyant so it could float.

12           These are just examples of what might be used.

13           We would also put some conditions on the test.  
14 It would need to begin within 15 days of written approval from  
15 DMR. The reason for this is because we don't want someone to  
16 apply for the test and then not conduct it for six months say  
17 when somebody else could go get it done right away. So they  
18 need to be ready to start work when they apply to be the test  
19 case.

20           DMR would be notified of the planned start date  
21 and time so that we could be on site when they start to observe  
22 the work and take pictures.

23           The equipment shall not travel the same path  
24 through the march more than three times. You can go two or  
25 three times across the marsh or it will lay down, and it's

6

1 that has been done, we'll bring it back and make a  
2 recommendation whether we think that these methods should be  
3 approved for all cases or whether it should be denied and they  
4 should still have to build it completely by hand.

5           MR. GOLLOTT: One question. If you are going to  
6 use wider tracks than what's recommended, how are you going to  
7 get an accurate test on this if the tracks are going to be  
8 putting less pressure on the ground and all that kind of stuff?

9           MS. BRANTLEY: Well, that's why we want specs of  
10 the specific machinery. We contacted a company and got some  
11 examples of what might be used. But that's not the only  
12 company. So they could have wider tracks, and that's why we  
13 would want specs before we approved it to make sure that we  
14 know the width and the pressure and the weight of the  
15 machinery.

16           MR. GOLLOTT: Mr. Chairman, I'd like to make a  
17 motion that we go with the staff's recommendation on this test.

18           MR. TAYLOR: Do we have a second?

19           MR. BOSARGE: Yes, sir, I'll second it.

20           MR. TAYLOR: Motion is made and seconded. All  
21 those in favor. Approved.

22           MS. BRANTLEY: Thank you.

23           b. MS Department of Marine Resources, MS  
24 Beneficial Use of Dredge Material Program

25           MR. DAVIS: Good morning, commissioners. My

8

1 name is James Davis. I'll be presenting the next item on the  
2 agenda.

3 We have a permit request by the Mississippi  
4 Department of Marine Resources beneficial use of dredge  
5 material program.

6 This is located at Round Island near Pascagoula,  
7 Jackson County, Mississippi.

8 The current use district is the seagrass  
9 preservation district labeled P-2.

10 This is an overhead of the site. You can see  
11 Round Island there in the middle just south of Bayou Casotte  
12 and the Pascagoula River.

13 Applicant is requesting authorization to create  
14 a beneficial use site. They're asking to dredge a channel a  
15 thousand feet in length, 60 feet in width, from a depth of four  
16 to six feet below mean low water.

17 This is all going to be done within the project  
18 location.

19 They are going to be creating 800 acres of tidal  
20 salt marsh and associated habitat. And this will be done by  
21 constructing a wave attenuation structure. It's going to be  
22 approximately five miles in length and 21 feet in width.

23 This structure currently is proposed to hold  
24 approximately four million cubic yards.

25 The applicant is requesting the permit be valid

1 acres of tidal marsh and habitat.

2 Wetlands use plan. The proposed project does  
3 require a use plan change from preservation to special use.

4 This has been justified in accordance with  
5 Section 2, Part I.E.2.b.ii of the Coastal Program based on the  
6 assertion there are significant public environmental benefits,  
7 impacts to public access and adverse environmental impacts are  
8 not anticipated.

9 The public as well as governmental entities were  
10 notified of the project, and a hearing was held on Thursday,  
11 December 15, 2011.

12 The survey of SAV, submerged aquatic vegetation,  
13 was conducted in the area, and there was no evidence found.

14 The proposed site will increase production of  
15 the area while providing shelter area for seagrass to grow.

16 And no comments were received at the public  
17 hearing.

18 A variance to the Coastal Program will be  
19 required. This has been justified by saying impacts on coastal  
20 wetlands will be no worse than if the guidelines were followed  
21 because the proposed filling of these waterbottoms will support  
22 ecological restoration.

23 Precedent setting effects. Filling of state  
24 waterbottoms has been approved in the past for projects with  
25 higher public purpose. A beneficial use site will also

1 for a ten year period.

2 And they're also requesting a use plan change  
3 and a variance to the guidelines of the Coastal Program.

4 Here's a diagram of what the project proposed  
5 will look like. It's a little hard to see.

6 This is Round Island currently as it is, and  
7 then you can -- the black dotted line here is going to be the  
8 proposed project location. And this follows approximately the  
9 three foot contour line around Round Island.

10 And then this is an example of Phase 1. You can  
11 see all the black dots. These are going to be mounded  
12 structures where the material is going to be pumped in to a  
13 height above mean high tide, and then it's going to be allowed  
14 to settle out.

15 So you're going to get some upland habitat, some  
16 marsh habitat, and some intertidal habitat within the area.

17 This is just a further in-depth view of the  
18 proposed creation. And then the large circles here are going  
19 to be where we'll dredge out sand and then create a berm around  
20 that area and then pump in finer material so they don't drift  
21 off and we lose the material from the area.

22 Decision factors.

23 The project serves a higher public purpose by  
24 creating a beneficial use area for dredge material in  
25 accordance with Mississippi Code 49-27-61 and creating 800

1 continue to be classified as coastal wetlands and state owned.

2 There will be a temporary increase in turbidity  
3 during disposal operations.

4 There will be a positive overall impact from the  
5 project by restoring habitat that has experienced significant  
6 loss and providing nursery habitat for many commercial and  
7 recreational fisheries species.

8 The Round Island project is intended to  
9 complement other significant efforts being made to restore  
10 critical habitats throughout the Gulf Coast.

11 The project will lead to further natural  
12 recruitment of marsh species in the area.

13 The project could be expanded later on in the  
14 future depending on availability of suitable material. And any  
15 expansions would require commission approval.

16 Temporary turbidity devices will be used in the  
17 area as needed during construction based upon visible  
18 observations of significant volumes of high turbidity leaving  
19 the project area by DMR or beneficial use group personnel.

20 No offsite alternatives have been considered for  
21 the project. Round Island site is part of the efforts to  
22 restore and enhance coastal habitat. And alternative uses for  
23 the dredge material would primarily be to place it on uplands  
24 at the dredge site or truck it to another uplands facility  
25 which would fail to provide for the restoration of tidal marsh

1 habitat in the vicinity of the project as required by  
2 Mississippi Code 49-27-61.

3 The project is preservation of natural scenic  
4 qualities. The project involves the creation of marsh and  
5 adjacent habitats that are native to the area and should either  
6 improve or have no adverse impact on the scenic qualities.

7 Public notice was run in the Sun Herald on these  
8 dates. We received no comment.

9 DEQ is currently reviewing the project.  
10 Archives & History has no comment. Secretary of State has no  
11 objection provided all boundary issues are resolved to the  
12 satisfaction of the Secretary of State prior to beginning of  
13 construction.

14 Once again, a public hearing was held on  
15 December 15, 2011. We received no comments.

16 This is a slide showing Round Island through the  
17 history from about 1850 to the present. As you can see, it  
18 started out as 150 acres, and throughout time it has slowly  
19 eroded to what is now currently close to 30 acres.

20 This is a chart showing the Round Island from  
21 1850 to present and into the future. And currently, we do  
22 expect Round Island to disappear sometime between 2030 and  
23 2050.

24 Some more pictures of Round Island. In the  
25 background, you can see where the tree roots have been exposed

1 MR. BOSARGE: And the thousand foot channel, I  
2 didn't see where that channel is going to be.

3 MR. DAVIS: Looking at the project as proposed,  
4 the dotted line here, the channel will be dredged inside of  
5 this line to allow for the placement of the wave attenuation  
6 structure. That material is just going to be sidecast back  
7 into the project site.

8 MR. BOSARGE: So the channel that you're digging  
9 will be within the boundary?

10 MR. DAVIS: Yes, sir. The channel will be dug.  
11 The material will be sidecast and the wave attenuation  
12 structure will be placed, and then that channel is going to be  
13 filled right back in.

14 MR. BOSARGE: I understand now.

15 I make a motion we accept staff's  
16 recommendation.

17 MR. GOLLOTT: Let me ask a question first. It's  
18 a great project. I think it's wonderful that we can use this  
19 dredge material.

20 But didn't we just approve a project similar to  
21 this for Deer Island?

22 MR. DAVIS: Yes, sir.

23 MR. GOLLOTT: What I would like to do, since  
24 we're waiting on oyster project on the inside of Deer Island,  
25 is make sure we get Deer Island first so we can get that out of

1 and where the island used to be where it is now waterbottoms  
2 close to estimated three to four foot of land loss in this  
3 area.

4 Some more pictures. You can see the sand  
5 eroding down to the substrate.

6 Staff has conducted a thorough evaluation of the  
7 project. Based on results, it's been determined that the  
8 project is consistent with the Coastal Program, serves a higher  
9 public purpose. Therefore staff recommends approval of the  
10 project, the variance request, use plan change, and the  
11 validation of the permit for a period of ten years.

12 MR. TAYLOR: Any questions?

13 MR. BOSARGE: Yes. I'm glad to see them doing  
14 some work on Round Island. Like you say, if it continues its  
15 pattern, it won't be there for long.

16 I was curious about a couple of things. They're  
17 basically going to build a berm all the way around the island?

18 MR. DAVIS: Yes, sir.

19 MR. BOSARGE: Will there be access points for  
20 folks that still want to go to Round Island?

21 MR. DAVIS: Some of the points there will be  
22 areas where there's going to be no structure or substrate  
23 blocking so tidal flow can get in and out. Depending on how  
24 that material settles out, the depths may or may not support  
25 navigation for a boat.

1 the way before we start planting oysters.

2 MR. DAVIS: Deer Island is currently, they're  
3 working on that now. But the goal of the program is to have  
4 different sites set up along the whole coast. So let's say  
5 Harrison County can use primarily Deer Island without having to  
6 take material to Jackson County, Pascagoula. A lot of material  
7 being used for this site will come out of Bayou Casotte and  
8 areas of that nature so they don't have to spend all the extra  
9 money to truck material off.

10 MR. GOLLOTT: Our whole industry is waiting on  
11 this deal. If we can get Deer Island finished first then we  
12 can start transplanting oysters (inaudible) Jackson County  
13 right on the inside of Deer Island and maybe open that thing up  
14 next year for oystering. Like I say, I'd like to see that Deer  
15 Island completed first.

16 But I'll second Steve's motion and go with  
17 staff's recommendation.

18 MR. TAYLOR: We have a motion and a second. I  
19 want to make a comment. I think the beneficial use statute is  
20 probably one of the best things that happened to the coast for  
21 all of us that have lived here our whole life. I mean, all the  
22 islands are eroding. I used to go to Round Island as a kid,  
23 Ship Island, Deer Island. I think it's great that we're using  
24 something that would just be put in a landfill or done  
25 offshore.

1 So we have a motion and a second. All those in  
2 favor. Motion carries.

3 MR. DAVIS: Thank you.

4 c. City of Gulfport

5 MR. CHRISTODOULOU: Okay. Next we have a permit  
6 modification for the City of Gulfport. It's located within the  
7 Bert Jones Yacht Basin in Gulfport. It's in the commercial and  
8 recreational fishing and marinas district. And the agent is  
9 BMI Environmental.

10 Here is a overhead of the project location. You  
11 can see Highway 90 and 49 just to the west of the current Bert  
12 Jones Yacht Basin or Gulfport Small Craft Harbor, whichever you  
13 like to use.

14 The project is a replacement of the current Ship  
15 Island excursion pier. The existing pier is approximately 170  
16 feet long, 14 feet wide. And the proposed new pier is 185 feet  
17 by 16 feet.

18 Here is a diagram of the project. The area in  
19 blue is the existing pier. And the red is the proposed pier.

20 The project will provide improved docking  
21 facility for the Ship Island ferry and allow the City of  
22 Gulfport to provide a safer pier that will accommodate higher  
23 volumes of pedestrian traffic.

24 The project is allowable within the C use  
25 district.

1 permit.

2 MR. TAYLOR: Any questions? Is there a motion?

3 MR. BOSARGE: I make a motion we accept staff's  
4 recommendation.

5 MR. GOLLOTT: I second it.

6 MR. TAYLOR: Got a motion and a second. All  
7 those in favor. Passed unanimously. Thanks.

8 d. V.T. Halter Marine, Inc.

9 MR. CHRISTODOULOU: Next we have a permit  
10 request by V.T. Halter Marine located on Bayou Casotte in  
11 Pascagoula. And it's in the industrial development use  
12 district.

13 The yellow thumb tack at the bottom right of the  
14 screen indicates the position of the project. Again, it's  
15 south of Highway 90 located on Bayou Casotte across on the west  
16 bank of Bayou Casotte across from Chevron, and Signal  
17 International is just south of the project.

18 Two large portions of this project. First is  
19 dredging and excavation of a mooring basin approximately 800  
20 feet by 500 feet. This will be dredged down to a depth of 65  
21 feet below mean low water. And it will result in approximately  
22 1.1 million cubic yards of material that will be required for  
23 beneficial use per Code 49-27-61.

24 And the structures involved in this project are  
25 construction of a bulkhead approximately 1,000 linear feet and

1 Similar projects have been approved by the  
2 commission, and the proposed project should not set a negative  
3 precedent.

4 Piling installation may temporarily increase  
5 turbidity in the area and result in a temporary decrease in the  
6 number of benthic organisms. And the project will add 30  
7 square feet of additional shading of waterbottom.

8 Best management practices will reduce any  
9 adverse impacts.

10 No alternative sites were considered since this  
11 is an upgrade to the existing pier.

12 And the proposed site is utilized as a ferry  
13 pier, so it should not negatively impact scenic qualities of  
14 the area.

15 And public notice was run as requested. There  
16 were no public comments received.

17 Currently, Archives & History and DEQ are  
18 reviewing the project. Secretary of State has said that title  
19 to the property is currently under litigation, so that  
20 determination will have to be made before a lease will be  
21 required. And Wildlife, Fisheries & Parks has stated best  
22 management practices be implemented.

23 And based on result of staff's evaluation, it  
24 has been determined that the project is consistent with the  
25 Coastal Program, and staff recommends issuance of the requested

1 a floating dry dock structure 715 feet by 389 feet.

2 Here is a diagram of the project. I've put  
3 things in different colors so it might stick out a little  
4 easier.

5 The dredge boundary is in the black dotted line.  
6 That's where the area will be dredged and excavated down to 65  
7 feet below mean low water.

8 The red area is the bulkhead that will be  
9 constructed.

10 And the orange structure is a floating dry dock.  
11 This dry dock actually shown in this picture is articulated  
12 out. It actually will pivot out into the waterway to help in  
13 the loading of large ships that may need to enter the dry dock.

14 The dry dock itself can be split into two parts  
15 to where the larger left side can be used for vessels, as will  
16 the right side. So smaller vessels can enter from the south or  
17 on the right side, and then larger vessels would go down the  
18 channel and go through the turning basin and turn around and  
19 enter from the north.

20 And like I said, it will pivot out. And there  
21 is a lot of coordination when this structure is moved out to  
22 receive some of these larger vessels out into the channel  
23 because it will pivot out into the channel, that there's a lot  
24 of coordination that has to go on with the bar pilots and the  
25 Coast Guard for when this structure is being used.

1 Here's a picture of the site in question. It's  
2 an undeveloped site. It's been previously used as a spoil pile  
3 for projects. And you can see there's a lot of invasive  
4 species in the area, and Cogon grass, tallow trees, etcetera.

5 Public benefits of the project include increased  
6 employment opportunities for construction of the dry dock  
7 structure and employment opportunities from contracts received  
8 by the applicant to construct and service vessels.

9 The project is allowable within the industrial  
10 use district.

11 The applicant has requested a variance from the  
12 Coastal Program. Chapter 8, Section 2, Part III.C.5 states  
13 marina basins and boat slips shall be designed to avoid sumps  
14 and other conditions which would result in long term  
15 degradation of water quality. And the depths of these basins,  
16 slips, and access channels should not be any deeper than the  
17 controlling depth of the parent body of water, and they should  
18 become gradually shallower as you get towards the nearshore  
19 area.

20 The applicant has justified this variance based  
21 on Chapter 8, Section 2, Part I.E.2.c.iv that the activity  
22 requires a waterfront location, there is a significant public  
23 benefit in the activity, and a public hearing has been held.

24 Again, the project would allow the applicant to  
25 get more contracts to service and construct vessels.

1 and blocking of the current ship building areas that Halter  
2 has.

3 The area in question is currently undeveloped  
4 and has previously served as a dredge material disposal area.

5 The site is located in an industrial area with  
6 other shipbuilding facilities located adjacent to the site, so  
7 scenic qualities should not be impaired by the project.

8 And national interest is to be served as V.T.  
9 Halter is contracted to construct and service vessels that  
10 support the U.S. Military and companies that are essential to  
11 the nation's energy policy.

12 Public notice was published as required. No  
13 comments were received, as well there was a public hearing, and  
14 no comments were received.

15 Archives & History has no objection to the  
16 project. Department of Environmental quality has issued a  
17 letter of concurrence with the project. Secretary of State  
18 will require a tidelands lease for the project. Wildlife,  
19 Fisheries & Parks says best management practices be  
20 implemented. And the Coast Guard has done a risk study and  
21 found that there is no unacceptable risk with regard to  
22 waterway safety.

23 As a result of staff's evaluation, we determined  
24 that the project is for a water dependent industry which helps  
25 construct and service vessels that support the U.S. Military

1 The public hearing was held. We didn't receive  
2 any comments. And we actually have waited on concurrence from  
3 DEQ on water quality for this one since that was going to be  
4 the key issue for this project.

5 Similar projects have been approved by the  
6 commission, and the proposed project is not expected to set a  
7 negative precedent. I think approximately a year or two ago,  
8 the commission approved a project for Northrop-Grumman for  
9 digging a large sonar pit for testing of sonar equipment for  
10 some of their vessels.

11 Dredging operations will result in temporary  
12 increase in turbidity in the area, and there will be a  
13 temporary decrease in benthic organisms.

14 The dredge material from this project has been  
15 tested and has been found suitable and will be available for  
16 beneficial use, hopefully for some of the Round Island stuff  
17 that we just heard about.

18 Best management practices will reduce any  
19 adverse impacts.

20 Additional designs were considered. Additional  
21 upland excavation into the property would have caused  
22 maneuvering issues with the adjacency to the federal navigation  
23 channel. And alternative sites were also considered. And  
24 since lack of ownership of the area, the Port Authority owns  
25 some of the property that was considered as alternative sites

1 and companies essential to the nation's energy policy. And  
2 the project also has a public benefit by increasing the local  
3 tax base by creating jobs in the area. So therefore staff  
4 recommends approval of the variance request and issuance of the  
5 permit.

6 MR. TAYLOR: Thank you.

7 Any questions?

8 MR. BOSARGE: You've answered most of mine. I  
9 was worried about the pilot's association, and you cleared up  
10 that. Sounds good. And as far as the 65 foot pit, we're close  
11 enough to the navigation channel, I don't believe that's going  
12 to be a problem.

13 So I'm good with it.

14 MR. TAYLOR: Do I have a motion?

15 MR. BOSARGE: I make a motion to accept staff's  
16 recommendation.

17 MR. TAYLOR: Have a motion. Do I have a second?

18 MR. GOLLOTT: I'll second it.

19 MR. TAYLOR: All those in favor. Motion  
20 carries. Thank you.

21 e. Emmett Zimmerman

22 MS. MOORE: Good morning. My name is Lynn  
23 Moore. I'll be presenting the request for a permit by Emmett  
24 Zimmerman. It is located on Bayou Drive at One River Place in  
25 Kiln, Mississippi, in Hancock County. It is in the general use



1 district, and the agent is Mickey Lagasse.  
 2 Here is a picture of the project location. It  
 3 is north of I-10.  
 4 Here is a closeup of the project location.  
 5 They're requesting a boathouse 57 feet by 35  
 6 feet and a boat ramp 16 by 16 feet. And the square footage  
 7 shall not exceed 1995 square feet.  
 8 Here is a diagram of the project. You can see  
 9 in the yellow the boathouse and the boat launch.  
 10 Here is pictures of the site.  
 11 This project does not serve a higher public  
 12 purpose.  
 13 The proposed project is allowable in the general  
 14 use district.  
 15 Similar projects have been approved by the  
 16 commission, and this is not expected to set a precedent.  
 17 Piling installation may temporarily increase  
 18 turbidity in the construction area and may result in temporary  
 19 decrease in number of benthic organisms.  
 20 The proposed project will result in shading of  
 21 no more than 1995 square feet of waterbottoms.  
 22 Best management practices will reduce any  
 23 adverse impacts to coastal wetlands.  
 24 No alternative sites were considered because  
 25 this is a private residential lot, and the project serves to

25

1 allow the property owner access to the water.  
 2 There are other boathouses and boat ramps in  
 3 this area, and the project is not expected to adversely affect  
 4 the natural scenic quality.  
 5 Public notice was published as required. No  
 6 comments were received.  
 7 Department of Archives is reviewing the project.  
 8 DEQ is reviewing the project. Secretary of State will require  
 9 a tidelands lease. And Department of Wildlife, Fisheries &  
 10 Parks has said best management practices.  
 11 After evaluation from the staff, the results of  
 12 this evaluation, it has been determined that the project is  
 13 consistent with the Mississippi Coastal Program. Therefore,  
 14 the staff recommends issuance of the requested permit.  
 15 I do have to say, late yesterday, we found out  
 16 that they had already started work on this project. And we  
 17 have received pictures. And here is a picture that they had  
 18 started to put the pilings in for the boathouse without the  
 19 permit.  
 20 And the commission has the option to levy a fine  
 21 of up to \$500 because we only knew about it one day, or they  
 22 can not issue a fine.  
 23 The agent Mickey Lagasse is here if you'd like  
 24 to ask him any questions.  
 25 MR. GOLLOTT: I'd like to ask him a question.

26

1 MR. LAGASSE: Members of the board.  
 2 MR. GOLLOTT: Why did he start the project  
 3 without the permit?  
 4 MR. LAGASSE: Mr. Gollott, I'd love to give you  
 5 an answer to that question. I knew about it after y'all knew  
 6 about it yesterday when I met with the owner, Dr. Zimmerman.  
 7 He was in Metairie. His contractor evidently  
 8 came down. They were doing some work in Vicksburg and had an  
 9 opportunity to start late last week. Not that this is any  
 10 excuse, but he assumed that because everything was going to the  
 11 commission, that it met all the requirements -- that it was a  
 12 mistake. He just screwed up is all it boiled down to.  
 13 He was very apologetic to me yesterday when I  
 14 met with him after I received the call from the staff.  
 15 But again, y'all knew about it before I did  
 16 yesterday. So again, he has just done a bulkheading project in  
 17 which everything was permitted correctly. I don't think he had  
 18 any ill will to do anything wrong. I think the contractor came  
 19 in before Christmas, probably pushed him because he needed some  
 20 Christmas dollars to get things done. But I don't think  
 21 anything was done out of malice or intent to hide anything.  
 22 MR. BOSARGE: Was it just the pilings he built  
 23 or the bulkhead, also?  
 24 MR. LAGASSE: No, sir. The bulkhead was all  
 25 permitted and is complete.

27

1 What happened was there were some erosion  
 2 issues that started with multiple things that went through the  
 3 river because of the way it sets. So the bulkhead was  
 4 permitted and everything was done.  
 5 The only work that has been done without a  
 6 permit is the pilings and what you see there.  
 7 They didn't band it. The banding material is on  
 8 site. None of that was done. It was just simply getting the  
 9 barge in and driving it while they had a barge available.  
 10 MR. GOLLOTT: He sure took a big chance because  
 11 if the permit wouldn't have been correct we would have made him  
 12 pull the pilings up.  
 13 MR. LAGASSE: And I can promise you that I have  
 14 explained that thoroughly last night.  
 15 MR. GOLLOTT: Mr. Chairman, I'd like to make a  
 16 motion that we approve the permit without a fine.  
 17 MR. TAYLOR: We have a motion on the floor. Do  
 18 we have a second?  
 19 MR. BOSARGE: We're not going to set any  
 20 precedent by not fining him?  
 21 MS. CHESNUT: There's the chance you would set a  
 22 precedent by not fining him but it depends on how the  
 23 commission feels about his intent and the factors surrounding  
 24 the case.  
 25 MR. GOLLOTT: If you want to make an alternative

28

1 motion, I'll go with it.

2 MR. BOSARGE: I would like to make an  
3 alternative motion that we fine him \$500 for not waiting until  
4 he got his permit, but approve his permit.

5 MR. GOLLOTT: I second.

6 MR. TAYLOR: We have a motion and a second. All  
7 those in favor. Motion carries.

8 MR. LAGASSE: Thank you all very much.  
9 Appreciate it.

10 f. Ivy J. Trosclair

11 MS. WITTMANN: Good morning. I have the final  
12 item on the agenda today. It's a violation by Ivy J. Trosclair  
13 located on an unnamed canal off of the Jourdan River at 11026  
14 Delaware Street, Bay St. Louis. It's in the general use  
15 district.

16 The letter A on the map shows the project  
17 location in reference to Highway 603 in the Shoreline Park  
18 Subdivision.

19 An unauthorized private beach has been  
20 constructed on private property. You may remember seeing a  
21 project very similar to this at the August commission meeting.

22 On May 31, 2007, Mr. Trosclair was issued an  
23 after-the-fact general permit for a boat ramp. At this time,  
24 the commission also approved the construction of a bulkhead and  
25 issued Mr. Trosclair a fine.

1 the unauthorized fill material. We told Mr. Trosclair that it  
2 was highly unlikely that the commission would approve Mr.  
3 Trosclair to keep that material because they had just  
4 previously ordered his neighbor to remove the material in front  
5 of his property.

6 On August 24, we did mail Mr. Trosclair an  
7 application packet that discussed the preparation guidelines  
8 and an adjacent property owner authorization form.

9 On September 6, a site visit to Mr. Long's  
10 property revealed that the fill material had been removed off  
11 of both properties. So the commission ruled for Mr. Long to  
12 remove the material in front of his property, and in the  
13 meantime Mr. Trosclair contacted DMR and said he wanted to keep  
14 it. Mr. Long did remove the material by the deadline that the  
15 commission had ordered.

16 On November 16, a follow-up site visit was  
17 performed by DMR staff. The fill material had reentered the  
18 waterway because silt fencing was improperly installed and had  
19 failed.

20 On December 1, a letter was sent to Mr.  
21 Trosclair informing him that the violation was still open and  
22 that the item had been placed on the agenda for the upcoming  
23 commission meeting.

24 This is a picture from the 2007 after-the-fact  
25 general permit site visit. This is the area that the beach is

1 On March 24, 2011, a violation was reported to  
2 the DMR concerning the construction of an unauthorized private  
3 beach, part of which was on the reporter's property.

4 On April 4, 2011, following earlier site visit  
5 by staff, an onsite meeting was held with Mr. Trosclair. He  
6 was the reporter of the violation. We discussed that the  
7 violation extended onto Mr. Trosclair's property and that he  
8 was responsible for the fill material that had been placed  
9 below mean high tide adjacent to his property.

10 Following the meeting with Mr. Trosclair, staff  
11 did attempt to set up a meeting between the two property  
12 owners, but due to conflict, the two were not willing to meet  
13 onsite together.

14 On April 19, Mr. Trosclair contacted DMR staff  
15 and asked that the violation be dropped because he was not  
16 happy with the speed at which DMR staff was handling  
17 moderation. We informed Mr. Trosclair that that was not an  
18 option and reminded him of his responsibility for the fill  
19 material adjacent to his property.

20 On August 16, 2011, a cease and desist notice  
21 was sent to Mr. Trosclair following the commission ruling that  
22 Mr. Long, the adjacent property owner, remove the fill material  
23 adjacent to his property.

24 On August 22, Mr. Trosclair contacted DMR and  
25 indicated that he planned to request authorization to retain

1 located. This is Mr. Long's pier you see in the background.

2 This is the diagram showing the location of the  
3 beach in reference to the structures. Mr. Long's property is  
4 on the right. Mr. Trosclair's property is on the left.

5 This is a picture of the beach after the  
6 original report in March.

7 This is a picture following the September 6 site  
8 visit after the fill material had reentered the waterway.

9 Staff has conducted a thorough evaluation and  
10 recommends that Mr. Trosclair remove the unauthorized fill  
11 material and install best management practices or construct a  
12 bulkhead at mean high tide as was authorized by the 2007  
13 after-the-fact general permit within 30 days or the matter be  
14 forwarded to the attorney general's office for enforcement  
15 action.

16 We also recommend a fine in accordance with the  
17 Mississippi Code 49-27-51. In this case, Mr. Trosclair was  
18 officially informed in writing of his violation on August 16,  
19 2011. That would make the violation duration 126 days. The  
20 maximum potential fine is \$63,000. The minimum would be fifty.  
21 The recommended fine is five thousand with an additional \$100  
22 per day fine for each day after the 30 day time limit until the  
23 violation is restored.

24 The decision factors. The project does not meet  
25 guidelines. Mr. Trosclair has had a previous violation at this

1 site and is well aware of the permitting process. Mr.  
2 Troclair has not responded to written correspondence from DMR  
3 staff. And he was informed of the violation at the original  
4 onsite meeting and did not attempt to bring the violation into  
5 compliance.

6 We know that Mr. Troclair was aware of the  
7 meeting. We sent meeting notification via e-mail with its  
8 delivery receipt and also via standard mail, and we do have the  
9 receipts from both of those correspondences. However, he has  
10 not attended the meeting today.

11 And Mr. Long was the adjacent property owner.  
12 He was fined \$2500. He did not have a previous violation.

13 MR. TAYLOR: Are there any questions?

14 MR. GOLLOTT: Mr. Chairman, I make a motion that  
15 we go along with the staff's recommendation, including a \$5,000  
16 fine, \$100 a day.

17 MR. BOSARGE: And just so I understand your  
18 motion, the one neighbor has corrected his, and Mr. Troclair  
19 has not?

20 MS. WITTMANN: Mr. Long did remove the material  
21 from both properties, but he failed to put the best management  
22 practices in place. So Mr. Long's project is now back in  
23 violation and is going to be forwarded to the attorney  
24 general's office for enforcement.

25 MR. TAYLOR: Didn't Mr. Long take care of both

33

1 this. I mean, if you've done that, fine. But I just, you  
2 know, for a guy -- and he took care of both problems, not only  
3 his, but the adjacent neighbor's. And I would just think, and  
4 I can't make a motion being the Chair, but I just think that we  
5 ought to -- I don't want to say cut him some slack -- but try  
6 to work with people when they're trying to do what's right.

7 MS. WITTMANN: Right. And from the onset, there  
8 was a discrepancy between the two property owners as to who was  
9 responsible for the work. Mr. Long did go in and attempt to  
10 remove the material from both sides. But following that  
11 initial September meeting when we saw the material had been  
12 removed, we did try to work with Mr. Long to send him  
13 application to put in a bulkhead to help him figure out how to  
14 contain that fill material without having it go back in the  
15 water. But he was not receptive with that.

16 MR. TAYLOR: That's all I needed to know.

17 MR. GOLLOTT: Let me make a modification to my  
18 motion. I'd like to give him 60 days before the \$100 a day  
19 starts because 30 days is not very long when you're dealing  
20 with contractors and the holidays and all that stuff. So give  
21 him 60 days.

22 MR. BOSARGE: Again, I agree with that, and I  
23 will second the motion.

24 MR. TAYLOR: Okay. We have a motion on the  
25 floor. All those in favor. Motion passes.

35

1 of them, make an attempt to take care of both of them, and Mr.  
2 Troclair if I'm understanding made no attempt?

3 MS. WITTMANN: Mr. Long did remove the material  
4 from both properties. Mr. Troclair did not. But Mr. Long did  
5 not ever properly contain the fill material, so with higher  
6 tides, rain events, and the improper installation of the silt  
7 fencing, it washed right back into the waterway.

8 MR. TAYLOR: I guess what I'm asking, you said  
9 you were going to forward it to the state attorney general on  
10 Mr. Long.

11 MS. WITTMANN: We're going to forward Mr. Long  
12 for what's on his property that's not been corrected. Mr.  
13 Troclair, if the commission agrees with the staff  
14 recommendation, will have 30 days to fix what's on his  
15 property. He can put the silt fencing in. He can remove the  
16 material completely. Or he can construct a bulkhead which has  
17 already been approved by the commission that he already has a  
18 permit for. We'll go back out and reflag it for him if that's  
19 what he chooses to do.

20 MR. TAYLOR: That's Mr. Long?

21 MS. WITTMANN: That's Mr. Troclair.

22 MR. TAYLOR: Okay. I guess I'm confused. Mr.  
23 Long made an attempt to do what was right, and it seems like  
24 we're punishing him. I mean, I could be wrong. It seems like  
25 we ought to go back out and say, hey, you need to take care of

34

1 MS. WITTMANN: Thank you very much.

2 MR. TAYLOR: Okay. That concludes all the  
3 action items. I think we're going to take a break here for  
4 about five or ten minutes, and then we'll readjourn.

5 (Off the record.)

6 (Commissioner Taylor leaves the meeting.)

7 MR. GOLLOTT: I'd like to call this meeting back  
8 to order.

9 D. Public Comments

10 MR. GOLLOTT: At this time, we'd like to call on  
11 our public comments. I think we have a couple that want to...  
12 If you will, come up and give us your name and make your  
13 comment.

14 MR. MILLER: How are you doing today? My name  
15 is James Miller ak Catfish, D'Iberville.

16 I've been a fisherman all my life.

17 MR. GOLLOTT: Did you fill out a form, Catfish?

18 MR. MILLER: No, sir. I was kind of late for  
19 the meeting, I'll be honest with you.

20 MR. GOLLOTT: Will you fill out one? We'll take  
21 the second person, and then you can come up.

22 MR. MILLER: Gee whiz. Come on now.

23 MR. FERGUSON: My name is Joseph Ferguson,  
24 (inaudible) Trawl Company. I believe I'm the last registered  
25 trawl company in the State of Mississippi.

36

1 I'm here to talk about the shrimp. I'd like to  
2 start off talking about the past, then I'll proceed to the  
3 present.

4 All creatures eat shrimp that I know of,  
5 millions of dogs, cats, whatever, fish. And a while ago,  
6 shrimp were caught, you know, on the bottom.

7 Excuse me. I'm a little nervous.

8 Shrimp were caught in large seines by schooners.  
9 And these schooners would go out with the tides and catch these  
10 shrimp. And they'd bring them back, you know. I seen old  
11 pictures of schooners, and the decks would be covered over with  
12 seafood.

13 And then came the trawl. (Inaudible) would work  
14 close to 24 hours a day because no one had to work with the  
15 tides, so it would be (inaudible) for work, and this was a good  
16 thing at first.

17 So tonging came along, and it was (inaudible)  
18 Biloxi. We had seafood capital of the world. But I'm pointing  
19 this out because (inaudible).

20 I entered the industry last of the Golden Age.  
21 I wouldn't consider it the last of the Golden Age because this  
22 industry is still going on.

23 It's just about gone now due to what I  
24 (inaudible) management, poor management or whatever the reason  
25 may be, it may be storms, oil spill, whatever.

37

1 This count -- I'm not sure, I think it's like  
2 (inaudible) per pound, something like that. Well, when this  
3 count is reached, he says, the DMR opened the season, which is  
4 law. This is how it should be done.

5 But the returning schools of shrimp coming in,  
6 if you don't go near to the estuaries, they can't go out next  
7 season shrimp. These trawls come in, they open the season,  
8 these fishermen -- I have nothing against the fishermen,  
9 nothing against here, the DMR or anybody, but they go out and  
10 they catch shrimp.

11 Well, if they intercept these schools of adult  
12 shrimp coming in, they get five or ten boats on a school of  
13 shrimp (inaudible) was allowed to come into the estuary.

14 Later in the years, Mr. Steve, he'd come out of  
15 the office and say -- tell everybody because he was telling me  
16 that the shrimp were clean, now is the time to buy your shrimp.  
17 He was referring to the adult white shrimp when they were  
18 returning from out of the estuaries.

19 And so anybody that was interested in buying  
20 shrimp, now would be the time because they would no longer be  
21 (inaudible).

22 Today 68 count, and this should be referring to  
23 the juveniles coming out of estuaries, not the adults coming  
24 out of estuaries. But adults are coming out of estuaries, then  
25 they should be checked to see if they're finished laying out.

39

1 But I started working at Stevenson's Trawl, and  
2 I speak from the past, my past, when I worked at Stevenson's  
3 Trawl, there was quite a few boats in and out of there, and a  
4 lot of people worked there. And one day the shop was real  
5 busy, in and out, (inaudible) shrimp season.

6 Mr. Steve was working on the floor because we  
7 (inaudible) pushed. And I asked Mr. Steve, I said why are they  
8 opening shrimp season this time of year.

9 He was sitting on a stool working when I spoke  
10 up. The room kind of went quiet. They heard me speak because  
11 I don't normally talk to people. I'm kind of a quiet person.

12 And I said, Mr. Steve -- I said, Mr. Steve, this  
13 is the brown shrimp returning from the Gulf. I said, the  
14 opening season on the brown shrimp -- this was like in early,  
15 early in the season. This was March, April, sometime along in  
16 there. It was early in the year.

17 Mr. Steve, he kind of threw his needle down and  
18 said -- he told me, he says -- we talked about this before, he  
19 said I got with a bunch of scientists or whoever he talked  
20 with. He just told me this, and I can't speak for him, he's  
21 gone.

22 But he said that we tried to fix this problem.  
23 We closed the season at the end of December. Didn't reopen  
24 when the juveniles come out of the estuaries. And they made a  
25 count so that they could reopen the season.

38

1 I've read what the books say here at DMR about  
2 the shrimp laying their eggs offshore and their eggs float in  
3 on the tide and juveniles float with the tides. (Inaudible)  
4 but shrimp are kind of like fish in a way. They do lay eggs  
5 offshore, but they're coming in. And as they come in, they  
6 (inaudible). When the shrimp come in the estuaries, they lay  
7 their eggs inside or they carry their young inside. I've heard  
8 reports of shrimp carrying eggs underneath their --

9 MR. GOLLOTT: Excuse me.

10 MR. FERGUSON: Yes, sir.

11 MR. GOLLOTT: With all due respect, we do five  
12 minutes, and you're getting close to that.

13 Both commissioners here have been in the shrimp  
14 business all their lives. We're very familiar with it. Steve  
15 Herman was a personal friend of mine.

16 I suggest that you get to your point.

17 MR. FERGUSON: Yes, sir. I'm getting down to it  
18 now.

19 In the future your shrimp (inaudible). I  
20 suggest that the adult shrimp be allowed to come in, bring  
21 their young into the estuaries, and then let the shrimp season  
22 begin when they start coming back out.

23 I know the law states nothing on these adult  
24 shrimp. But if you allow the adult shrimp, it would give more  
25 money for the fishermen to catch this year. It goes to show

40

1 that the adult shrimp, if (inaudible) juveniles or larvae or  
2 small shrimp and not release these nets on them, then you'll  
3 have a larger percentage of shrimp coming out of the estuary  
4 which would give the shrimper more money, the state more money,  
5 and me because I don't make money unless the shrimpers make  
6 money.

7           So I would like to see -- of course, there's  
8 only two of you now -- I would like to see some kind of action  
9 taken on this in the future on maybe correcting the laws to  
10 allow these shrimp time to come in and then (inaudible) catch  
11 the juveniles when they're coming out.

12           Now I know there's a time period, extended time  
13 period when these shrimp come in. The brown shrimp come in  
14 first earlier in the spring, then the white shrimp come in  
15 about the time you're opening the brown shrimp. Then  
16 (inaudible) longer after the white shrimp. And if you notice  
17 the stages of these shrimp coming out of the estuaries, it goes  
18 to show the good brown shrimp come out first (inaudible), then  
19 at the end of the year, we'll have (inaudible).

20           So I'd like to see something done about this.  
21 And I'll give the floor up, and I'd like to thank you. And  
22 maybe I'll come back again when there's more commissioners.  
23 Thank you.

24           MR. GOLLOTT: Thank you, sir.  
25           Catfish, you can come on up.

41

1 ain't a welder. I ain't a fitter. I am a fisherman.

2           You've got to reach down in your bag, Mr.

3 Richard, Mr. Walker, Mr. Bosarge. Y'all got to think of some  
4 kind of program for the oyster people that hold license in  
5 Mississippi, now Alabama or Mississippi people, whoever, you  
6 got to create a program shortly in y'all's life on this board  
7 for us oyster fishermen that are missing our resources off our  
8 reef out here that no longer exists due to the oil spill or the  
9 fresh water.

10           If you want to say it's the fresh water, Dr.

11 Walker, I'm ready for you to do it. I need some farmer's aid.  
12 I need some type of relief money. I'm receiving a quarter of  
13 what I made on your reef annual every year. I'm disturbed.

14           You ain't got nothing up here for me to help me.  
15 You doing these wetland projects. Man, come on. You're  
16 killing our wetlands, and you're steady letting the permits go.

17           I'm disturbed. I really am.

18           You're worried about the marshes. Keep them out  
19 of it. Jesus Christ, my friend. We're trying to recover from  
20 the oil spill. Now you're going to kill more things. Think  
21 about what I'm telling you.

22           Just like I told you there wouldn't be no  
23 oysters on our reef, and I was true. You know who told me  
24 that? Mr. Dr. Ed Cake. That's the only man that you probably  
25 don't like. Call him a witch hunter. He's not a witch hunter.

43

1           MR. MILLER: How you all doing today? James A.  
2 Miller ak Catfish. Shrimper all my life.

3           Ready, Dr. Walker?

4           How you doing today, Mr. Bosarge? Glad to see  
5 y'all.

6           It's been a struggle. I sit home, sick from the  
7 BP oil spill every day. I read the papers. I keep a close eye  
8 on what's happening.

9           I'm disturbed about the oystering.  
10          Y'all ready, rascals? Are you ready?

11          MR. GOLLOTT: Go ahead.

12          MR. MILLER: It disturbs me when y'all do that,  
13 it really does. Breaks my concentration. I don't know if it  
14 does you, but it does mine.

15          I'm disturbed about the oystering. You know,  
16 this is my second season now, and I'm the top oysterman on your  
17 reef, Dr. Walker. Go check the records. Can't beat me. I'm  
18 at the dock every day, and I got the prettiest oysters off the  
19 Sound, I promise you. (Inaudible) were buddies. And I can't  
20 oyster. I can't get the state to pay me a penny. I can't  
21 collect welfare or food stamps because I got too much money in  
22 the bank. I just want to know where our help is for our oyster  
23 reef to rebuild it, help it, because I'm a fisherman and I  
24 ain't got nothing to do. I'm home. I'm ready to go. I don't  
25 do nothing else. I ain't a carpenter. I ain't a plumber. I

42

1 He's a very man disturbed like I am wanting for you to provide  
2 answers that you ain't.

3           We're hungry oystermens (sic) and fishermens  
4 (sic) that you're providing the newspapers with record catches  
5 that's bull crap. You're lying.

6           I'm serious. I'm disturbed over this. Record  
7 catches out of our Sound you say we're getting. I'm so  
8 disturbed. You're doing nothing for the fishermens (sic). All  
9 the money you've got allocated, you and Haley Barbour, are so  
10 solely in charge of, you and the DEQ, all your projects are on  
11 shore. Where is our projects in the water with all these  
12 trillions of dollars you've got, billions of dollars, millions  
13 of dollars, for us, the poorly little fishermens (sic)?

14          Y'all so busy figuring how you're going to spend  
15 it, and you're forgetting about us, please tell me you are, Dr.  
16 Walker, because I need your help, sir. I need you. And you're  
17 not providing me the help I need. You have no structured  
18 program for us.

19          We're people, too. We need jobs. Can I wash  
20 the boats? Can I wash your trucks? Truly, I'm asking you. I  
21 need a job. Who's going to hire a ninth grade educated  
22 fisherman that's been fishing 30 years of his life? Nobody.

23          This is a serious situation. I got to feed my  
24 family like you do, too, sir. And I ain't no crybaby. I'll  
25 work you under the table daylight to dark. And I need a job

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1 shortly in my life due to that oyster reef is dead due to BP or  
2 that fresh water, sir.

3 I've been laid back listening, waiting for you  
4 to restructure our oyster reefs. You give the program to  
5 somebody in Alabama to do more reefs out there for us. Sir, I  
6 don't have five years waiting for my reef to come back. We  
7 need something for you to do for us now. We're starving.

8 I don't know if you people know this. We are  
9 starving and suffering on the coast. You worried about your  
10 watch, and my family is going to pay my doctor bills.

11 MR. GOLLOTT: Your time is out, Catfish.

12 MR. MILLER: I understand. You disturb me.  
13 Y'all got to be helping us. You're worried about your watches,  
14 paperwork. Brother, I am why you're up there. I am a  
15 fisherman holds a license that I buy every year, five sets of  
16 them at your place. And I want you to help me. And I ain't up  
17 here begging on my knees. I'm telling you. Y'all need to  
18 create a program for us soon in y'all's life with all his money  
19 y'all have.

20 Now, y'all might think I'm a lunatic fisherman,  
21 but I ain't got nothing to do but read the paper and listen to  
22 you. So do something for me in your life instead of looking at  
23 your watch and figuring on what we're going to do in our life.

24 MR. GOLLOTT: Time is up, Mr. Miller.

25 MR. MILLER: Yeah. Create a program for us for

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1 the fishermen of the Gulf Coast.

2 (Applause.)

3 MR. GOLLOTT: Tom Becker.

4 MR. BECKER: My name is Tom Becker. I'm here to  
5 talk about the coastal charter industry fishing, not just the  
6 charter boat association which I'm the president of.

7 I want to thank you for helping us to get the  
8 word out. And we will have it out in the February through June  
9 or July issues of the magazine Coastal Angler to give people --  
10 to let them know why they want to come here fishing.

11 And we are very happy with that. And I am  
12 coming before you. I am also on the disability connection  
13 board. And we are working on a project that we are coming to  
14 talk to you about to give us some help.

15 We would like to take the wounded warriors out  
16 this year, give them a trip, break that daily routine that  
17 they've got. We would have medical personnel on board. And if  
18 we have a female on board, a wounded warrior, we would have a  
19 female medical person to take care of them in case something  
20 happened.

21 We'll be coming to see you. Janie O'Keefe is  
22 the head of this organization. Her husband who passed just  
23 recently was the executive director. So we are now in the  
24 process of finding a new executive director to take over that  
25 board.

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1 But I want to thank you for your help that you  
2 have given us and wish you all a very Merry Christmas. Thank  
3 you.

4 MR. GOLLOTT: Thank you, sir.

5 Ms. Jennifer.

6 MS. WITTMANN: Good morning. Jennifer Wittmann.  
7 I'm representing the Christmas on the Bayou organization in  
8 Gulfport. We're one of the organizers of the parade every  
9 year.

10 Wanted to take just a quick second to publicly  
11 thank our marine patrol officers and marine patrol reserve  
12 officers. They had over 60 lighted boats in our parade on  
13 December 10. We had several DMR vessels at both the parade,  
14 and we had several officers also attend our captains' meeting  
15 on December 8.

16 You know, by them working as hard as they do,  
17 our parade is safe. And like I said, we can have over 60  
18 boats, all those Christmas lights in Gulfport Lake and Bayou  
19 Bernard in Gulfport, and they make it safe and make it an event  
20 that we can continue to organize every year.

21 MR. GOLLOTT: Thank you, Jennifer.

22 Okay. We'll move on to marine patrol.

23 F. Marine Patrol

24 2. Marine Patrol Report

25 MR. CHATAGNIER: Good morning, commissioners,

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1 legal, Dr. Walker.

2 Marine patrol has been busy. Not much shrimping  
3 activity right now. They had one case with no commercial  
4 shrimping license.

5 Had a lot of recreational cases, undersized  
6 trout and everything, selling recreationally caught fish. We  
7 charged one man with that, and we charged four people with  
8 selling recreationally caught fish. Commercial activity north  
9 of the CSX railroad bridge in Back Bay Biloxi were charged.

10 Boat and water safety violations are down.

11 We had a somewhat interesting case I'll tell you  
12 about there in just a second. Let me go through the -- I think  
13 we taught one boat and water safety class, certified 33  
14 students.

15 JEA totals, we did 54 patrols, 855 man hours,  
16 made 323 contacts, and issued 18 state violations out of that.

17 We have a program I don't think you all know  
18 about it that's similar to what the military has with the  
19 drones. We have Pete the Pelican. And one of our officers  
20 approached a boat to inspect him, and he saw him doing  
21 something by the edge of the water. When he got up there, he  
22 started checking his cooler, and everything was empty. About  
23 that time, a pelican dove straight down by the side of the boat  
24 and brought up a string of undersized speckled trout that the  
25 man had just cut loose.

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1           So Pete the Pelican is on our payroll now as a  
2 drone, and we appreciate the help we get from the public. It's  
3 kind of strange, but that actually happened.

4           Any questions?

5           MR. GOLLOTT: Chief, looks like y'all been  
6 catching a lot of people for not having fishing license and  
7 undersized trout.

8           MR. CHATAGNIER: Yes, sir. Even had a few cases  
9 of undersized red fish. There's no reason for it. There's  
10 plenty of big red fish out there, and they're keeping some of  
11 these things only 13, 14 inches long.

12           Same with the trout. Some of the trout is 12,  
13 12 and a half. You've got them down here 9, 10 inch trout.

14           Even one flounder, they made a case with one ten  
15 inch flounder.

16           MR. GOLLOTT: Unlawfully selling of  
17 recreationally caught fish. Who were they selling them to?

18           MR. CHATAGNIER: These were commercial fishermen  
19 coming in the Back Bay. And they were throwing a castnet and  
20 they were taking the mullet, selling it to the FKS (ph.)

21 tournament fishermen right up here in the bay. Fishermen would  
22 come by their boat, give them so much money for a five-gallon  
23 bucket of mullet or 200 live mullet. This was all witnessed,  
24 and our officers stopped them and charged them for commercially  
25 fishing in Back Bay, selling recreational caught fish because

1 they claim that they were commercial fishermen, they were  
2 selling them as recreational fishermen. And some claim they  
3 were commercial.

4           And then I think they charged one of the guys  
5 for buying.

6           MR. GOLLOTT: Would it be illegal for them to  
7 throw their nets outside to catch those fish?

8           MR. CHATAGNIER: No. They're commercial  
9 fishermen. They could throw their net. You just can't have  
10 any commercial activity north of the CSX railroad bridge. They  
11 could have went to Deer Island and caught all the mullet they  
12 wanted and then could have sold them as long as they hold a  
13 valid commercial net license.

14           MR. GOLLOTT: Thank you, sir.

15           Okay. Marine fisheries.

16 G. Marine Fisheries

17           MR. JEWELL: Good morning, commissioners. I  
18 want to wish everyone here present today Merry Christmas and  
19 Happy New Year.

20           We just have one item. Mr. Buchanan is going to  
21 give an update on the speckled trout program.

22           3. Speckled Trout Update

23           MR. BUCHANAN: Good morning, Dr. Walker,  
24 commissioners, Sandy.

25           I'm going to show you a little bit of our

1 monitoring efforts for spotted sea trout fisheries independent  
2 information. We cooperate with Gulf Coast Research Lab and  
3 also our fisheries dependent information and (inaudible) last  
4 few years.

5           The independent data is designed to sample  
6 population in basically a standardized consistent manner, and  
7 it's not based on angler catch. It's independent.

8           We do have 18 states that we do collect at,  
9 including five random ones.

10           We collect the size, age, growth, and  
11 reproductive status of each fish that is caught.

12           In addition to the speckled trout, we do collect  
13 information on all the other species that we do pick up in our  
14 nets.

15           Mostly, we use gill nets, multi-mesh gill nets,  
16 two to four inches.

17           Some of the -- if you're interested in length to  
18 weight relationships. See that about 14 inch fish is about a  
19 pound, a 15 about a pound and a half, give or take, showing  
20 that as fish get longer they get heavier.

21           Some sex ratio work. We normally don't see very  
22 many males caught in our studies. When they're up to about 14  
23 inches, there's only like ten percent males in the population  
24 we find generally here in our waters.

25           This is a difference in us and Louisiana.

1 Louisiana is probably more of a 50-50 ratio with the stuff that  
2 they have. I've got no good explanation for it.

3           We do collect spawning condition. And if you  
4 take a look at this over the years, typically they are starting  
5 to come in spawning condition in April and they go through  
6 September. The males had a good May and then say too good a  
7 May because then they kind of slacked off in June. But they  
8 picked up again in July.

9           Size at maturity. Thirteen inches for the  
10 females are about 65 percent matured, at 14 they are 100  
11 percent matured.

12           We do age all our fish. That gives us an idea  
13 of calculating mortality rates.

14           And if you're interested that average length for  
15 males at age, like some folks, you see that a 12 inch fish,  
16 male 12 inch fish is about two years old. They typically grow  
17 slower than females.

18           Females at 12 inches are about one year old.

19           This is the independent information. I  
20 apologize. I should have added this, in 2011, I should have  
21 had the rest of this data on here. It will be substantially  
22 higher than what it's showing right there. But this particular  
23 index of abundance shows it to be on par with some of our  
24 better years over the past few years.

25           But anyway, our data collected, fishery

1 dependent data. This is our MRFSS survey where we talk to our  
2 anglers, get information on the catch, how long you go, where  
3 did you go, how long did you fish, what did you catch, yadda,  
4 yadda, yadda.

5 And just to show recreational versus commercial,  
6 typically the larger fish are caught recreationally.

7 This can only go through '10 because the data is  
8 not current. It's still under review for this year.

9 This is numbers of fish. And you can see that  
10 the numbers are up substantially over the past three or four  
11 years. We did have the minimum size change in '08. March of  
12 '08 I believe.

13 Fishing effort tends to be somewhat up steadily  
14 since the '80s, and it seems to be still climbing.

15 This is catch per unit effort. And our catch  
16 per unit effort is on par with some of the better years that we  
17 have had from '08 through '010.

18 So this particular index shows that the  
19 population seems to be doing pretty well. The fishermen  
20 continue catching fish.

21 And I threw in these length frequencies because  
22 I just thought they were kind of interesting. In '08, you see  
23 this is when we had the 13 inch minimum length limit, and then  
24 you see quite a few 13 inch fish in there. And if you go down,  
25 the same thing is taking place. But if you go down to 2010 and

1 I'll make a a motion that we adjourn.

2 MR. BOSARGE: I'll second.

3 (Meeting adjourned 10:45 a.m.)

1 2011, you see a shift, some larger fish were present in the  
2 population. 2011 is still fairly preliminary, but it seems to  
3 be that there is bigger fish around for whatever reason. A lot  
4 of them have survived.

5 And fishermen aren't catching these. And we  
6 aren't seeing them in our creel surveys.

7 And everything that I have there, speckled trout  
8 seem to be doing pretty well at the moment.

9 MR. GOLLITT: Mr. Buchanan, I have a question  
10 for you. The \$64,000 question I've been waiting a long time to  
11 hear. Did the 13 inch speckled trout damage the fishery?

12 MR. BUCHANAN: No. But I think it was not a  
13 good move. Took a chance that you didn't have to. I don't see  
14 it as good for what we have. And we still -- and we will  
15 continue to monitor.

16 MR. GOLLITT: Thank you, sir.

17 Financial report.

18 J. Administrative Services

19 2. Financial Report

20 MS. VESA: Good morning. The report today is as  
21 of November 30. Our expenditures as of November 30 were  
22 \$3,018,566 which leaves a remaining balance of \$3,248,937. And  
23 our tidelands budget at \$6,267,493 remains obligated.

24 Any questions today?

25 MR. GOLLITT: Any questions? Thank you.

1 COMMISSION ON MARINE RESOURCES

4 COURT REPORTER'S CERTIFICATE

6 I, Norma Jean Ladner Soroe, Certified Shorthand  
7 Reporter, do hereby certify that to the best of my skill and  
8 ability I have reported the meeting of the Commission on Marine  
9 Resources and that the foregoing 55 pages constitute a true and  
10 correct transcription of said meeting held on the 20th day of  
11 December 2011.

12 I do further certify that my certificate annexed  
13 hereto applies only to the original and certified transcript.  
14 The undersigned assumes no responsibility for the accuracy of  
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16 Witness my signature this the 4th day of January  
17 2012.



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