COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, January 16, 2018
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

Steve Bosarge, Chairman

Ron Harmon, Vice Chairman

Mark Havard

Jolynne Trapani

Also Present:

Joe Spraggins, Executive Director DMR
Sandy Chestnut, Esq., Assistant Attorney General

COMMISSIONER BOSARGE: I would like to call this meeting to order and welcome everyone to the January meeting of the commission on Marine Resources.

I would like to welcome Mr. Joe Spraggins onboard. We look forward to working with him and, hopefully, keep this thing sailing smoothly.

The first item on the agenda is the Pledge of Allegiance. I'm going to ask Mr. Joe to lead us in that Pledge of Allegiance.

???: Please stand.

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER BOSARGE: At this time, I have been asked to ask for a moment of silence to show support and to do whatever you might like in that moment of silence to support the people that support this country and this agency. Thank you.

(Moment of silence observed.)

COMMISSIONER BOSARGE: Next on the agenda is approval of the minutes for the December 19th meeting.

Do we have any changes to the minutes?

(No response.)

COMMISSIONER BOSARGE: Do we have a motion to approve the minutes for the December 19th meeting?

COMMISSIONER HAVARD: Mr. Chairman, I'll make a

motion that we approve the minutes for the December 19th meeting.

COMMISSIONER BOSARGE: Do we have a second for that motion?

COMMISSIONER HARMON: So seconded, Mr. Chairman?

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Now, we have the agenda.

Do we have any changes, or modifications, to the agenda?

COMMISSIONER HARMON: Yes, sir. Mr. Chairman. I would like to make a motion, please.

COMMISSIONER BOSARGE: All right.

COMMISSIONER HARMON: I would like to make a motion that we amend the agenda to put public comments before other business.

COMMISSIONER BOSARGE: So we will move "K" to the end and "L" in K's place.

COMMISSIONER HARMON: Also, Mr. Chairman, I would like to add closed session to other business.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second for that motion?

COMMISSIONER TRAPANI: I'll second that.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

We will move on to our Executive Director's report, Mr. Joe Spraggins.

JOE SPRAGGINS: Well, first off, it's an honor to be here and an honor to be in this position. I appreciate and thank you very much, the Commission and the Governor, for allowing me to have this opportunity.

I can tell you, as the Agency, that we are in fantastic shape. Jamie Miller did not leave us in bad shape. He left us in wonderful shape.

This agency is going to move forward, and my biggest goal in life is to keep that train on the same track and headed right down it. We are going to work hard with that.

We've got great people here. Some of the greatest people in America work at this agency, and it is

just an honor to be here. It's an honor to serve you.

If we could, I want to bring up a little bit about the weather. Everybody called me about the weather this morning.

MEMA just put up a little directory for me.

Next slide, please.

That shows you a little overview of some things that are going on in the weather today. Just to give you an idea, if it is over in Texas, it is coming this way, but, if you are in north Mississippi, it is already here. It's a trough that is coming across there, and it is going to get a little nasty before the night is over.

Next slide, please.

That is north Mississippi and you can see the temperatures.

Next slide, please.

That is dangerous cold expected, as you can see there. We are not listed in it, but we will be shortly.

Next slide, please.

Now, that's what we are looking at precipitation for today, and you can see that we are in blue there which is a chance that we can have some ice and snow on the roads and some things that are happening, and I want everybody to understand that.

Next slide, please.

Cold. We are talking wind chills down to five to ten degrees here tonight. It is unusual for south Mississippi.

Next slide, please.

That's going toward the Alabama line, a hard freeze. All of our area is covered in it.

Next slide, please.

There are the wind chills we talked about.

The biggest thing is the trough is coming in about 1:00 o'clock this afternoon and go just south of us. From about 5:00 this afternoon, it is going to get very bad. Please make sure each one of your departments are taking care of your stuff.

This little update was sent to me by MEMA. Thank them for it.

That's all I have.

COMMISSIONER BOSARGE: Thank you, sir.

Everybody try to stay warm. I know all of us are wondering when this is going to end.

Up next is Office of Marine Patrol, Chief Davis.

KEITH DAVIS: Good morning. Today, we are going to step out of the norm just a little bit. I'm going to ask Assistant Chief Pittman to deliver the report to you this morning.

As some of you know, today is Chief Pittman's

last day, in terms of a commission meeting.

Before I bring him up, we are going to have a retirement party for Chief Pittman, on the 31st of this month, 11:30 at the Island View Casino. If you can, we would like for you to attend that.

Chief Pittman has served this agency, in some capacity, for the last twenty-eight years. He has done that with dignity and respect to the seafood industry, and he leaves the agency. It is time for him to enjoy his life with his wife. That's what he has informed me he is going to do. He is not going to do anything else.

I have made a couple of recommendations for him that I think he needs to consider, but we will leave that up to him.

At this time, I would like Chief Pittman to come up and deliver the report.

RUSTY PITTMAN: Good morning Mr. Chairman, Commissioners, Ms. Sandy, Joe.

How are y'all doing this morning?

COMMISSIONER BOSARGE: Doing good.

RUSTY PITTMAN: I wasn't prepared for this, to come up and do the report.

COMMISSIONER BOSARGE: That's all right. You always wing it pretty good.

RUSTY PITTMAN: When y'all said, "Please stand

up when you are speaking to us", I still remember those days.

If you will look at page two of the report, there are a couple of things I want to mention.

At the top of the page, it says, "No Transport License". It is actually no transport permit. It was two commercial fishermen from Alabama who didn't have a non-resident Mississippi license, or any transport permit. They were stopped as they entered Mississippi and were issued a citation for no transport permit.

We are still having undersized Spotted Seatrout violations. As you can see, we had five last month. One of the people who was ticketed for that also had ten over the limit of Spotted Seatrout.

Otherwise, in the report, there is not much to talk about.

I would like to say just a few things. I have enjoyed working here for the past twenty-eight years. I'm one of the lucky few that can say I really love my job. I enjoyed getting up every morning and coming to work, and hated to take off.

Some of the guys would say, "When are you going to take off, Chief?"

I would say, "I don't want to take off. I enjoy working."

I have called in five times, in twenty-eight years, on sick days. The rest of the time I tried to be here.

I missed one opening of shrimp season, and that's when my mother passed away the night before. I was going to come to work that next day, but Chief George Wright told me, "No. You need to stay home."

I really have enjoyed working with y'all. I'm going to miss the guys. I'm going to miss this agency. It's been a family.

Good luck to y'all. Each one of you are doing a good job, and I know there are a lot of people standing behind you and praying for you.

COMMISSIONER BOSARGE: I'm going to tell you, Rusty, you are going to be missed here.

Richard and myself are probably the two that have been here the longest and been here the whole time with you, and you have always been that beacon of light. We have been through some times, between Dr. Walker and all the things that happened, but Rusty, just the experience that he's got.

I've been in meetings with him and there will be a question, "Oh, yes. Do you remember back in 1977, I think it was? Do you remember that case?"

I can't remember what happened yesterday. It's

amazing.

You are going to be missed. Enjoy your retirement, and we are going to miss you.

We are going to give you a round of applause. Thank you.

(Standing ovation.)

RUSTY PITTMAN: Thank you.

I will say one last thing. I think the most gratifying duty of this job is protecting the public and saving lives. When I saved three lives, back in the nineties, during oyster season --

COMMISSIONER BOSARGE: (Interposing) There's that memory.

RUSTY PITTMAN: It was oyster season in January and the boat caught on fire, and I was able to get three people out of the water and get them in the harbor so they could get transported to the hospital. That was probably the most gratifying time, being able to save somebody's life.

People will say, "Well, where is your reward?"

We don't expect rewards. We are not heroes. It's just the job that we do. Doing that and protecting the marine resources, I really enjoyed and I still protect them. You are probably going to get plenty of calls from me.

COMMISSIONER BOSARGE: I hope you will still come around here. We enjoy your company.

RUSTY PITTMAN: I may stop by in about six months.

COMMISSIONER BOSARGE: Thank you, Rusty, for all you have done.

KEITH DAVIS: If I had known he was going to talk that much, I would have waited.

Next on the agenda, we have a consideration for a No-Wake Zone. I'm going to ask Lieutenant Patrick Levine to come up.

As he comes up, I want you to know that when we receive these requests for consideration, extensive research goes into what we present to you. We do take these seriously, each case.

Lieutenant Levine is in charge of going out and doing that research, and I'm going to let him present it to you.

PATRICK LEVINE: Good morning Commission.

I am Lieutenant Patrick Levine from the Office of Marine Patrol. Today, I'm going to be doing a No-Wake Zone proposal for Davis Bayou in Ocean Springs, Mississippi.

On October 19, 2017, Mississippi Department of Marine Resources received a request about a No-Wake Zone

on Davis Bayou in Ocean Springs on waters adjacent to the university of Southern Mississippi Gulf Coast Research Laboratory campus.

To determine the need for a designated No-Wake Zone, on November 6th, me and Senior Master Sergeant Jeffrey Payne went out and evaluated the area.

With photography and looking at the area, we made the determination to bring it before you this morning.

If you look at the photograph here, you can notice the proposal that they have is approximately fifteen hundred feet outside of the USM Research Lab.

Right here is the research pier, if you notice on the photograph. That pier extends out into the bayou and is approximately one hundred and twenty feet from the channel in the bayou.

When I went out and started looking at the property, if you will notice in the notes, it was immediately noticed the day I happened to go out there that they were having a sea camp, and there were a bunch of little kids running all over, and the kids go out on the pier and they around the property. They have sea camps during the summer. That's the main reason the University of Southern Mississippi reached out to the Jackson County Board of Supervisors to consider this

proposal because of the concentrated number of children that are on the property.

The day that I went out there, that is exactly what I found. Kids were playing everywhere. They go out on the research pier. Not only do children from the sea camp go out there, but also students at the campus who are doing research. They do research on this pier.

If you look here, they have a marina on the property. They do tours of vessels, and there are constantly vessels that are leaving the marina going out into the channel. There are kayaks that are out there. They have kayaks that the students can use on the property. They kayak out from the campus (indicating photograph).

The University of Southern Mississippi did a proposal to the Jackson County Board of Supervisors for a potential No-Wake Zone. It passed unanimously with the Jackson County Board of Supervisors. They sent the proposal to us, and they asked that we accept their proposal for a No-Wake Zone under Title 22, Part 16, Chapter 8.

We consider this property a precedent over other properties, considering the concentrated number of children. There are many people that use that facility, that use that property.

That No-Wake Zone would be one thousand five hundred feet. We timed it, and it is approximately three minutes thirty seconds for somebody to idle from this point to this point (indicating photograph).

If we were to pass a No-Wake Zone, Jackson County would be responsible for the signage on the property, not the Department of Marine Resources.

Today, I present to you and ask that you make a motion to consider this for a No-Wake Zone under Title 22, Part 16, Chapter 8.

What is your vote?

COMMISSIONER HAVARD: I would like to make a motion that we adopt regulatory changes in accordance with Title 22, Part 16, Chapter 8.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second for the motion?

COMMISSIONER HARMON: So seconded, Mr. Chairman.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Thank you, Mr. Levine.

PATRICK LEVINE: Thank you.

COMMISSIONER BOSARGE: I think that does Office of Marine Patrol.

Now, it's Mr. Joe Jewell, Office of Marine Fisheries.

JOE JEWELL: Good morning Commissioners.

I would like to make a couple of comments, before we move into the agenda.

First, I would like to welcome Director Spraggins onboard. This is his first Commission meeting as the Director. I know that he is going to do a great job, and I look forward to working with him, as does the rest of the staff.

Next, I would like to recognize Mr. Rusty Pittman for all of the work that he has done for the Department of Marine Resources.

I met Mr. Pittman as a young biologist onboard the DMR just over twenty years ago. He served as a mentor for me, him and Mr. George Wright, challenging me to learn the State statutes and the Commission rules and regulations to understand how our two offices work so closely together.

There is often the sort of joke around the DMR that I'm the third, or fourth, attorney and that credit has to be put with Rusty and Mr. Wright for challenging me and tutoring me to see Marine Patrol's perspective on law enforcement.

I do want to thank him and recognize Rusty for all of the work and tutoring that he did for me over the years.

The Office of Marine Fisheries recognized Rusty for all of the work that he did, at our end-of-the-year awards program, by awarding him a Marine Leadership award. I do want to say that we recognized Rusty and we appreciate him.

I agree with you, Chairman Bosarge. We are going to miss him tremendously and all that vast knowledge that he will take with him, but I'm sure there are a lot of Marine Patrol officers that will step up into that void.

Now, moving on to the agenda, we have two presentations for the Commission's review.

First, will be a Diamondback Terrapin Reporting System, we new app developed. This will be given by Mr. Harron Wise.

HARRON WISE: Good morning Commissioners, Director, Ms. Chestnut.

Today, I will be presenting an update on the Diamondback Terrapin Reporting System, to give a little bit of background information on the Mississippi Bonnet Carre Fisheries Disaster Recovery Program for the Blue Crab Fishery, which is job two.

Phase one was a Derelict Crab Trap Cleanup program that took place April 12th through April 14th, 2016. Eligible commercial crab trap fishermen were compensated for the derelict crab trap removal.

Phase two, which is the current phase of this project, is the Diamondback Terrapin Reporting System. The idea of this program was brought through the interactions with the Blue Crab Fisheries and Diamondback Terrapins.

The Gulf States Marine Fisheries Commission wanted to create a program that would allow fishermen to record Terrapin observations, while running their traps.

Mississippi is the current leader in the development of a Terrapin reporting system in the Gulf. This phase will allow fishermen to pilot the reporting system, and the information collected through the system will provide a better understanding of Diamondback Terrapin population and help determine local hot spots.

The criteria for eligible fishermen were to have a license for the years 2011-2012 which was the year that

the spillway was open, and at least one license for the years 2007-2008, 2008-2009 and 2009-2010.

The reporting system was created in house one hundred percent free, through collaborations of the Office of Marine Fisheries and IT and GIS.

The system is very user friendly, and is compatible with PCs, Androids and iPhones.

This is an example of what the survey looks like. The fishermen begin by inputting their license number into the system, and their first name and last name is automatically generated into the program (indicating slide).

Then, they proceed by putting in the number of traps that they are fishing, the soak time in hours, the start time, end time, and, then, the number of Terrapins observed, if there were any observed. Zero can be inputted into the system (indicating slide).

For the map, if the fishermen are using their smartphone devices and the location services are turned on, the map will automatically put the pin, based on the G.P.S. location of the phone.

If they are not using the phone, or they are reporting back at their homes, they can simply click on the map and move the pin to where they were fishing, or where the Terrapin was observed.

There is a comment section beneath the map. If they want to give us any additional comments about their trip, they can fill it out. They don't have to.

After they have completed filling out the survey, they simply put a check mark at the bottom of the screen, and the survey is immediately submitted to an online database that we can download and analyze immediately.

This is some of the data that has been collected through December of 2017 (indicating slide).

The reporting system officially went online October 19th, 2017. So far, we have had twenty-nine eligible participants register for the program, and three hundred fifty-five surveys have been submitted.

You can see the concentration of the surveys over in the Pascagoula rivers and the Graveline Bayou area, Biloxi Bay and Davis Bayou area, Gulfport, Bay St. Louis, and the Bayou Caddy and Heron Bay area (indicating map).

We expect the surveys to expand amongst the concentrations in the warmer months.

This map shows a hot spot location of where the Terrapins have been observed. So far, forty-six Terrapins have been observed, and Gautier and the Pascagoula area have had higher concentrations, since they have the warmer

colors, followed by Bayou Caddy and the Heron Bay area. It's a little hard to see on the screen, but there are slightly warmer colors, and, then, in the Davis Bayou area, we have low interactions with the cool colors.

The other areas that you saw where we have had surveys submitted, they have reported zero interactions which is why there are no colors on the map.

We expect to see more observations, as we proceed into the year with the warmer months.

I would like to acknowledge all of our commercial crab trap fishermen that are participating in this program, the Blue Crab Task Force, and the agencies and the staff that have helped make this survey possible.

With that, I will take any questions.

COMMISSIONER BOSARGE: I'm on that Blue Crab Task Force. It's nice to see Mississippi take the lead on something for a change. A lot of times we're the last, but that's good.

Do we have any questions?

(No response.)

COMMISSIONER BOSARGE: The Terrapins, of course, it seems like the crab trap is the main gear that interacts with them, and it's good to see us getting some information and to have an app like that.

Who did all the programming, or whatever you

call it, to set this up?

Did we do it in agency, or did we have to hire that out?

HARRON WISE: We did everything inside the agency. The Office of Marine Fisheries envisioned what the program would look like, and, then, the Office of IT helped put all that together.

COMMISSIONER BOSARGE: We've got some smart folks here. That's good.

Thank you, Harron.

HARRON WISE: Thank you, Commissioners.

JOE JEWELL: Thank you, you Harron.

Next for the Commission's review is a presentation by Mr. Jack Husley on the Live Bait.

JACK HUSLEY: Good morning Chairman, Commissioners, General Spraggins and Ms. Chestnut.

Today, I'm going to give the 2017 Live Bait Report.

According to Title 22, Part 6, the CMR views the live bait fishery as a service to recreational fishermen to allow access to live bait year round.

In order to become a live bait dealer, you must obtain and submit an application from the Department of Marine Resources, and we have thirty days to come out and inspect.

Live bait dealers who have a licensed live bait catcher boat are allowed to shrimp twelve months out of the year, allowed to shrimp inside the half mile of shoreline, can catch and keep hundred count shrimp which is more optimal for live bait. They are not allowed to shrimp at night. Their tow times are limited to twenty-five minutes, including pick up. Shrimp cannot be sold for consumption, and they must report landings and sales to the DMR monthly.

Here are the Live Bait Inspection Requirements:

The facility must be able to safely serve the public.

You must have a Mississippi State sales tax number and all privilege licenses.

You must have proper advertising signage that can be seen from a public road, or waterway.

Tanks must have adequate water flow for optimal survival of shrimp.

Tanks must also have rounded corners to keep the shrimp from congregating.

Catcher vessels can have a maximum sixteen foot trawl with four foot trawl boards. Their tanks must be covered, and the boat must be clearly marked with "LIVE BAIT", as well as the name of the camp in contrasting colors.

Catcher vessels and transport vehicles must also pass inspection to be permitted.

Here we have a couple of pictures of live bait tanks at different live bait facilities.

As you can see, the picture on the left, this tank has adequate water flow and it is equipped with both spray bars and aerators. It also has rounded corners to keep shrimp from congregating.

These tanks on the right are outside and they have an awning over the top to keep the tanks in the shade.

To the left we have a picture of some trawl boards. These are the maximum length of four feet.

We have an example of a live bait shrimp boat on the right, and, as you can see on the top, they have the name of the camp, as well as the words "LIVE BAIT". These must be in block letting and must be six inches in height and a half inch wide and can be seen from both the port and starboard side of the vessel.

Here we have an example of a Live Bait Dealer Report. This is so DMR can keep up with the number of purchasers, the number of live shrimp caught, the number of live shrimp sold, pounds of dead shrimp sold, pounds of chum sold, pounds of squid sold, as well as the number of hard crabs sold.

This is a bar graph of live bait shrimp purchasers from 2001 to 2017. As you can see, in the years 04, 05, 06, we have a decline. That is due to natural disasters such as Hurricane Katrina, as well as in 2010-2011, you can see the BP oil spill. The fisheries shut down, and that's what that is. The data for 2017-2018 is preliminary through December 2017.

Live bait sales. The blue line indicates number of shrimp caught, and the orange line indicates number of shrimp sold. You can see the same trend lines here and here, and most of the graphs are going to show those trend lines (indicating graph).

Here is a graph of dead bait sales from 2001 to 2017. The blue line is the dead shrimp, and the orange line is a combination of chum, squid and crabs. This data is also preliminary through December 2017.

Here is a graph showing the number of licensed live bait camps and vessels from 2001 to 2017. In 2001, you can see that we have had as many as thirty-five camps and, after Katrina, those numbers dropped drastically. As you can see, since then, we have had an average of fifteen camps and roughly thirteen to fourteen vessels.

2017-2018 licensed live bait camps.

So far this season we have had a total of sixteen camps inspected and licensed.

In Hancock County, we have had three, with a new one being Whites Bayou Bait Shop over off the Pearl River.

In Harrison County, we have had four.

In Jackson County, we have had nine, with three new ones being opened in the past couple of years. The first one was CC's II over on Graveline Bayou, J&W Fish Camp over off the West River in Pascagoula, and Q&M Live Bait over in Moss Point.

Out of these sixteen camps, we have had eleven live bait vessels and ten transport vehicles licensed and inspected.

This is a map we had made showing the numbers of camps throughout the Coast, just to give you an idea of where they are located, and it shows that they are pretty well spread so you can buy bait pretty much anywhere on the Coast.

With that being said, do you have any questions?

COMMISSIONER BOSARGE: I don't know if I have a question; maybe just one observation.

The live bait catcher boats have always been at that sixteen foot trawl size. Maybe Joe can answer the question, but my understanding always was that it was that way because of where they were allowed to work inside of the half mile where commercial boats are not allowed.

When I look at some of these live bait catcher

boats and I look at the trawls on them, I have to wonder "sixteen feet?" They've got a lot of net there, a lot of width.

It concerns me somewhat in that if you are out past the half mile -- I don't know if you've got any live bait boats, now, but over our way, we've got a couple of boats that catch live bait that actually work outside the half mile. They pull wherever they want.

They are putting some different configurations in the way they build those nets, and it makes for a very large net. It's not that sixteen foot net that should be allowed inside that half mile.

That was my only concern, and I have mentioned this before, even with all nets, that circumference measurement. The State of Florida is the one that has done it and it works. In other words, you can configure a net any way you want, but you are only allowed so many feet circumference around the net. That is something we may need to look at.

I was hoping we would do that in the Shrimp Task Force. I don't know where to drive that point to, but, Joe, maybe you could see what you could come up with on that.

In other words, circumference measurement takes all the cheating out. Everybody is on the same level

playing field.

JOE JEWELL: Our inspectors, when they are out in the field, can look at the sixteen foot measurement on those inshore nets. That's not an issue. We can take a look at it, and certainly law enforcement, if there is an issue with enforcement of it, I know Chief Davis will take a look at that.

As far as the circumference measurement, Mr. Rick Burris is looking at that. We have taken a look at that. We can further look at that and update you on that.

You have asked that question a couple of times, not only at the commission meeting, but at the task force, and Mr. Burris is researching that. It is taking us a while to get all the information, but we will update you in the next couple of months.

COMMISSIONER BOSARGE: I appreciate it because it works better for everybody, commercial shrimpers and live bait dealers.

I got the opportunity to go to Australia, and it's the same way they did it there. They measure the circumference. You had so many feet you could pull, period, and you could make it any way you want. It didn't matter. They measured around the outside area of the net and whatever the circumference was you had to meet that.

JOE JEWELL: Absolutely, and where you start the

net on the top and the bottom, and where you start sewing.

COMMISSIONER BOSARGE: The live bait nets are legal. They are legal nets, but it's just the way they are built, it makes for a very large net, even though it only measures sixteen feet.

JOE JEWELL: We will address that.

COMMISSIONER BOSARGE: Good deal. Thank you.

JOE JEWELL: That concludes Office of Marine Fisheries, if no one else has any questions.

COMMISSIONER BOSARGE: Any further questions?

(No response.)

COMMISSIONER BOSARGE: Thank you, Joe.

JOE JEWELL: Thank you.

COMMISSIONER BOSARGE: Next on the agenda is Mr. Jan Boyd, Coastal Resources Management.

JAN BOYD: Good morning Mr. Chairman, Commissioners, General Spraggins, Ms. Chestnut.

We have one presentation for you. Willa Brantley is going to give you the 2017 Year In Review.

COMMISSIONER BOSARGE: We want to say Happy Birthday, Mr. Jan. I understand it's your birthday.

JAN BOYD: Thank you.

COMMISSIONER BOSARGE: One other thing, if anybody wants to make public comment, please fill out the form.

WILLA BRANTLEY: Good morning.

I'm going to try to keep this brief, but I do want to start out with a little overview of what the Wetlands Permitting office does because we have had three new Commissioners join us, since we have done any kind of overview of what our responsibilities are. I just want to give you a real brief overview of that.

Ultimately, our bureau has two different jobs that we do on a daily basis. One of those is to implement our State policy on the Coastal Wetlands. That means that we regulate activities that impact the Coastal Wetlands which is, in general, the publicly-owned lands below mean high tide out to three miles south of the barrier islands, and, then, a few publicly-owned lands above mean high tide.

That's why you will see us present sometimes the projects on the sand beach, even those they are not out in the water.

COMMISSIONER BOSARGE: Not to interrupt you, but how far north does your jurisdiction go?

WILLA BRANTLEY: State jurisdiction is limited directly to those Coastal Wetlands. We can exert our jurisdiction over anything that we feel indirectly impacts those Coastal Wetlands.

For example, we have talked about regulating the

two lakes up in Jackson. Even though those are outside of the three Coastal counties, we talked about regulating those, making them get a State permit, due to the potential impacts to our shellfish resources.

Anything that impacts our fisheries resources, or our habitats, can be regulated.

COMMISSIONER BOSARGE: I wondered that because, over the years, I've seen north above the interstate and I wondered if there is a line.

WILLA BRANTLEY: We have to be able to show those impacts and justify the regulation, but sometimes we can do that.

COMMISSIONER BOSARGE: Thank you.

WILLA BRANTLEY: Another tool that we have is our Coastal Zone Management role that we play. There are four categories of Federal actions that we have to review within our Coastal zone, which we define as the entirety of the three Coastal counties, anywhere those types of Federal activities are taking place. The major one of those is Federal permits.

When the Corps of Engineers is going to issue a permit for filling wetlands, those wetlands outside of our direct regulatory jurisdiction, we still get to look at those, even if they are up in the north parts of the counties, to make sure that they don't impact our

resources.

Our State policy is based on Coastal Wetlands Protection Act through the State legislature, and the Federal role is based on the Coastal Zone Management Act which was passed by the U.S. Congress.

I'm not going to go over all these numbers. You have these in your packet. The main things I wanted to point out are these totals and the information in red (indicating graph).

We've got all of the activities that we do for the year, and that was seven hundred and thirty-one actions that we brought to completion within the calendar year of 2017.

I color coded these. These are our standard, more complex and most complex (indicating graph).

The most complex category is the one that you see most often. All nineteen of these permits were presented to the Commission for your decision. Those are things that are above and beyond staff's authority to approve on our own. We presented a handful of the violations that we weren't able to bring to you for resolution ourselves.

You actually saw thirty-eight percent of those in the permits and violations categories, and four percent of the total files and projects that we dealt with through

the year were actually presented to the Commission.

Now, I want to give you just a four-year overview. I didn't go all the way back to Katrina. Again, the things I wanted to point out are here in red.

Since 2014, which was kind of our low point after Katrina and the oil spill and all of those things, we have had a nineteen percent increase in total actions.

Then, I wanted to point out that it is not our standard things that are going up. Those are actually on the way down.

Our more and most complex cases are the ones that are going up. That yellow level right there, as you can see, that's the major things that we deal with on a regular basis. Those are the general permits that we issue on behalf of both us and the Corps of Engineers. Those are the projects that are above general permit guidelines, but not quite to the point of the Commission needing to make the decision. They can still be considered relatively minor in nature.

Then, the most complex are going to be the ones that have definite impacts to our Coastal resources and usually will require some type of mitigation for those impacts.

I do want to give you an example of a violation that we were able to bring to conclusion without having to

bring it to the Commission. Greg Christodoulou was the project manager for this.

You see this shoreline over here on this side. This is on Old Fort Bayou. This side used to look the same. They came in and cleared all of the land and brought in a lot of fill dirt, and it was running out into the bayou (indicating photograph).

What they ended up doing was constructing this retaining wall to hold back all of the fill that they had brought in and, because they had taken out that habitat along the shoreline, we had them slope the shoreline and remove all of the fill and replant and allow it to come in with native vegetation. Now, we've got this stabilized shoreline here, but it also has habitat like it had before they cleared it (indicating photograph).

We didn't have to bring that to the Commission. Greg was able to take care of that himself and bring it to a good resolution for all parties. I was just trying to give you that example of some things that you don't see that we do on a daily basis.

Very brief, but, if you have any questions, I will be happy to answer them.

COMMISSIONER BOSARGE: I remember when Jan and I had this conversation about bringing this presentation forward and, even for myself, it was amazing to see the

number of permits and the number of issues that you guys deal with that we don't ever know. You do a good job in being able to resolve most of them, without them having to come here.

WILLA BRANTLEY: Thank you.

One point that I did want to make, when things show up on these numbers, that's when we have closed the file. We have issued the permit. We have brought the violation to a resolution. We have sent the review letter that says whether they need a permit, or not.

Each of those numbers shows up the same. Something that the staff spent three hours on reviewing a file and sending a letter counts the same as the Port project that Jennifer presented a couple of months ago that she had worked on for eight years. Those numbers aren't all equal, even though they look very equal. That's why I broke them down into those standard and complexity levels.

COMMISSIONER BOSARGE: Very good. Thank you, Willa.

WILLA BRANTLEY: Thank you.

COMMISSIONER BOSARGE: Any further questions?

(No response.)

COMMISSIONER BOSARGE: Next is Ms. Kacey Williams, Office of Finance and Administration.

KACEY WILLIAMS: Good morning Commissioners, Director Spraggins and Ms. Chestnut.

I just want to say that I look forward to the future of our agency and continued success with your leadership, General.

Chief Pittman, we are going to miss you and we sure hope that you come back to visit us.

RUSTY PITTMAN: Thank you.

KACEY WILLIAMS: These are the financial results as of December 31st, 2017.

At the end of December, our State Revenue was four point four million, and our Agency Revenue was fifteen point three million. Our State Net Income was seven hundred and thirty thousand, and our Total Agency Net Income was six point five million.

After six months of this fiscal year 2018, we have seventy-four point nine percent of our Operating Budget remaining, and eighty-five point seven percent of our Tidelands Budget remaining.

We are still in very good shape, after six months.

COMMISSIONER BOSARGE: Looks good.

KACEY WILLIAMS: Any questions?

COMMISSIONER BOSARGE: Any questions?

(No response.)

COMMISSIONER BOSARGE: Thank you, Kacey.

KACEY WILLIAMS: Thank you.

COMMISSIONER BOSARGE: Next is Ms. Melissa.

MELISSA SCALLAN: Good morning Commissioners, Director Spraggins, Ms. Chestnut.

I would like to say, also, that I have worked with General Spraggins in some capacity since 2005, and I have no doubt that he will do a fabulous job leading this agency.

Rusty was one of the people I met first, when I came to work here, and he has always been an asset to this agency, and we will miss him greatly, but I know that he will enjoy his retirement.

The agency was mentioned thirteen times in local, state and national media, since the December CMR meeting.

The most popular news item was the Marine Patrol rescues, during the recent cold weather.

We actually had a very informative story that Chief Davis did with WLOX about we know how to operate boats in warm weather, but we don't really know how to operate them in cold weather sometimes. That was very informative.

We haven't had very many events because of the holidays, but my office did attend the Mississippi

Association of Supervisors Mid-Winter Legislative Conference last week, and we handed out information about the agency and promotional items. We also provided some seafood for the annual Coast reception in Jackson last week.

Marine Patrol has held one boat and water safety class, since the last meeting. The class was held at St. Martin High School, and Marine Patrol certified twenty-eight students.

So far in fiscal year 18, Marine Patrol has held nine boat and water safety classes and certified a hundred and fifty-two students.

COMMISSIONER BOSARGE: That's impressive. Thank you, Melissa.

MELISSA SCALLAN: Thank you.

COMMISSIONER BOSARGE: Next is public comment.

Do we have any public comments?

(No response.)

COMMISSIONER BOSARGE: Seeing none, we will move on to other business.

COMMISSIONER HARMON: Mr. Chairman.

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER HARMON: I would like to make a motion, please.

COMMISSIONER BOSARGE: All right.

COMMISSIONER HARMON: I would like to make a motion that we go into closed session to discuss the need for executive session to discuss pending litigation.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second?

COMMISSIONER TRAPANI: I'll second that.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

We are going to shut it down here for just a little bit, and we will be back.

MEETING STANDS IN RECESS

COMMISSIONER BOSARGE: I would like to call the meeting back to order. I appreciate you guys hanging around for us.

Sandy, would you report on the meeting?

SANDY CHESTNUT: Yes, sir.

At 9:54 a.m., a motion was made by Commissioner Harmon to go into closed session to discuss the need for executive session to discuss pending litigation. That motion was seconded by Commissioner Trapani.

Present at the closed session was Steve Bosarge, Ron Harmon, Mark Havard, Jolynne Trapani, Sandy Chestnut legal counsel, Sean Morrison legal counsel and Faye James legal counsel, and Joe Spraggins Executive Director.

At 9:56 a.m., a motion was made by Commissioner Trapani to go into executive session to discuss pending litigation. That motion was seconded by Commissioner Havard.

An update was given by legal counsel about pending litigation. No motions were made.

At 10:31 a.m., a motion was made by Commissioner Harmon to end the executive session, and that motion was seconded by Commissioner Havard.

That's the end of the report.

COMMISSIONER BOSARGE: Thank you, Ms. Chestnut.

We have already done other business. I guess that pretty well closes our meeting out.

You guys be careful in this cold weather. Sounds like it is going to get nasty.

Do we have a motion to end the meeting?

COMMISSIONER TRAPANI: I'll make that motion to conclude our meeting today.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second?

COMMISSIONER HARMON: So seconded, Mr. Chairman.

COMMISSIONER BOSARGE: All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Thank you.

Rusty, we are going to miss you.

CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the January 16, 2018, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

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STATE OF MISSISSIPPI
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