

COMMISSION ON MARINE RESOURCES

MEETING OF COMMISSION ON MARINE RESOURCES

January 20, 2015

 TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES
 AT BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141
 BAYVIEW AVENUE, BILOXI, MISSISSIPPI, ON THE 20TH DAY OF
 JANUARY, 2015, COMMENCING AT 9:30 A.M. AND REPORTED BY
 LYNN STRICKLER, CERTIFIED COURT REPORTER.

COMMISSION MEMBERS PRESENT:

RICHARD GOLLOTT, Chairman
 SHELBY DRUMMOND
 STEVE BOSARGE
 ERNIE ZIMMERMAN

ALSO PRESENT:

JAMIE MILLER, Director DMR
 SANDY CHESTNUT, ESQ., Asst. Attorney General
 SEAN MORRISON, ESQ., Asst. Attorney General

MR. DRUMMOND: I'll make the motion, Mr.
 Chairman.

MR. GOLLOTT: Mr. Drummond makes the motion.
 Do we have a second?

MR. ZIMMERMAN: I second.

MR. GOLLOTT: We have a second. All those in
 favor say aye. Opposed? Motion carries.

D. Executive Director's Report

MR. GOLLOTT: Next on the agenda we have the
 executive director's report.

MR. MILLER: Thank you, Chairman Gollott.
 Just a few items. Some of it's housekeeping. The
 Mississippi legislature opened the session January the
 6th. Myself and some of our staff have made a few
 trips to Jackson and continue to monitor any
 legislation that may impact the agency and provide
 updates to you within the commission as needed.

Upcoming at the end of January is MDMR's
 Capitol Day. It's where our agency gets a chance to
 set up some of our displays in the Capitol and talk
 about the agency and what we do, give us exposure to
 some of the other parts of the state, some of the other
 legislature from Jackson and North Mississippi, as well
 as other people that will be in the Capitol that day.

And then more importantly, our February

A. Call to Order

MR. GOLLOTT: I'd like to call this meeting
 to order and welcome everyone to our regular meeting,
 our January meeting. First of all, I'd like to call on
 our director to lead us in the pledge of allegiance.

MR. MILLER: Please stand.

B. Approval of Minutes

MR. GOLLOTT: Okay. At this time we need
 approval of the minutes from the last meeting.

MR. DRUMMOND: So moved, Mr. Chairman.

MR. GOLLOTT: We have a motion. Do we have a
 second?

MR. ZIMMERMAN: Second.

MR. GOLLOTT: We have a motion and a second.
 All those in favor say aye. Opposed? Motion carries.

C. Approval of Agenda

MR. GOLLOTT: Next we have approval of the
 agenda. Do we have any modifications?

MR. ZIMMERMAN: Mr. Chairman, I'd like to
 move the public comment up before we go into executive
 session, if possible.

MR. GOLLOTT: Would it be all right if we
 move that to D-1?

MR. ZIMMERMAN: That would be fine.

MR. GOLLOTT: Do I have a motion?

meeting, and I'm mentioning this for y'all's
 consideration, our February meeting is scheduled the
 same day as Mardi Gras, February the 17th. And due to
 a lot of activity here in the City of Biloxi and
 potential conflicts, I would recommend that the
 commission consider moving the February meeting to that
 following Tuesday on the 24th.

And further, because we've got some
 scheduling conflicts with this room on the 24th, we've
 coordinated with the City of Gautier to host our
 February meeting in Jackson County, if y'all would
 consider that before you adjourn today's meeting.
 Thank you.

MR. GOLLOTT: Do we need a motion to move the
 meeting to a different day and move it to Gautier?

MR. BOSARGE: And a different time?

MR. GOLLOTT: And a different time.

MR. BOSARGE: Yeah, that would be great.

I'll make a motion that we move the February meeting to
 Gautier on the 24th.

MR. GOLLOTT: Are we going to change it to
 10:00 o'clock instead of 9:00?

MR. BOSARGE: 10:00 o'clock, yes, sir.

MR. GOLLOTT: Do I have a second on it?

MR. ZIMMERMAN: Second.

MR. GOLLOTT: All those in favor say aye.
Opposed? Motion carries.

Next we're going to move to public comments.
Do we have anyone that wants to speak today? Have you
filled out any paperwork in the back of the room?
Looks like we don't have anyone wanting to speak.

We'll move on to Keith Davis, marine patrol.
E. Office of Marine Patrol

MR. DAVIS: Mr. Chairman, I'm going to refer
to Assistant Chief Pittman to give the report.

MR. PITTMAN: Morning, Mr. Chairman,
Commissioners, Director Miller, Mr. Morrison, Ms.
Chestnut. Excuse my voice, I've got some sinus issues
right now. Y'all have had the report to look at the
last few days.

There's one case that I would like to mention
on this report and it happens to deal with our crab
violation. We have received a lot of complaints from
Jackson County with theft of crab pots at night, theft
of crabs at night. Our night shift patrol set up a
detail and sat out a couple of nights and finally made
an arrest in the early hours of the morning. They were
sitting at a boat ramp. Two subjects came in on two
boats with unmarked crab pots on the boat and also over
three hundred pounds of crabs that they had taken out

of the crab pots that night.

Citations were issued. The crab pots were
seized as evidence. The crabs were sold at a
competitive price at a local seafood dealer. And the
subjects were booked into Jail that night for theft of
crab pots and theft of crabs.

We also had under commercial violations
commercial fishing without a non-resident commercial
license. It happened to be an oyster tonger. One of
our officers checked him that morning and he didn't
have his license on him. That is a minimum five
thousand dollar fine. They issued the citation. The
fisherman told him that he did have a license, he just
didn't have it on him. He produced that license the
next morning before he went out and the citation was
taken away. Any questions?

MR. DRUMMOND: Rusty, I have a couple of
comments to make. You know, to me, the commission has
been very kind to the oyster industry on the
Mississippi Gulf Coast this year. And to have these
kind of violations, even though these people do have
permits or license to fish for oysters, why in the hell
are they doing these things to the fishery? I mean,
the oyster fishery is bad enough, anyway.

And as I say, we've been very kind to the

oyster fishermen this year. And it's just beyond me.
I don't understand why they're violating the laws when
our oyster fishery is in such bad shape. Are we -- I
mean, what are we doing to punish these people? Are we
fining them enough? Are we taking their license away
from them?

This to me is something that shouldn't be
happening to such a poor fishery in Mississippi. I
would like this industry to go back the way it was
catching thousands of bags of oysters like it was years
ago, and we can't do it by having these damn
violations. So what's your answer to that, Rusty?

MR. PITTMAN: Well, if you're talking about
the oyster violations, course when those citations are
issued, they go to court, they go to Justice court, and
it's up to the Judge then to decide what the penalty
will be. If you look at one of them, the oystering in
a prohibited area, that one case that was made, that
was two people that were along the seawall picking up
oysters. They had seven five-gallon buckets full of
oysters, which is in a prohibited area. What they were
going to do with them I have no idea. They said they
were going to eat them, but there's no telling. They
could have been bootlegging them, too.

But like I said, it all goes to Justice

court. Most of the Judges -- you're looking at a
hundred to five hundred dollar fine first offense.
Most of the Judges are either fining them anywhere from
two hundred and fifty to three hundred and fifty plus
court costs. You would think that would drop the
violations down when they got hit with a fine like
that, especially if they lose their oysters. Like on
the MSP case, they're going to lose the oysters. And
most of the time it does take care of that violation,
they do start dropping then.

MR. DRUMMOND: Okay. Well, I have a word for
the oyster fishermen on the Mississippi Gulf Coast, and
that is to be kind to your fishery and hopefully we can
get it back to where it ought to be. Thank you, Rusty.

MR. PITTMAN: Thank you, Commissioner.

MR. GOLLOTT: Thank you, sir. Next we have
Office of Marine Fisheries, Mr. Joe Jewell.
F. Office of Marine Fisheries

MR. JEWELL: Good morning, Commissioners, Joe
Jewell reporting. Before we get into the main segment
of our report, I'd like to update the commission on a
couple of issues. I want to notify the commission that
the quota for our red drum, spotted seatrout, and
flounder were reset -- red drum and flounder were reset
January 1, and spotted seatrout were reset February 1.

1 I also want to update the commission on the
2 oyster season. The oyster season opened on November
3 the 14th, and we had a little shutdown here recently
4 and we reopened last week. So to date, we have
5 harvested seventeen thousand two hundred and ninety-one
6 sacks. Of that, thirteen thousand two hundred and
7 forty-three sacks were harvested by Mississippi
8 residents, and four thousand forty-eight were harvested
9 by non-residents.

10 The Pass harvested six thousand seven hundred
11 and sixty-five sacks. Of those, fifteen hundred and
12 ninety-eight were harvested by dredgers; five thousand
13 one hundred sixty-seven were harvested by tongers. The
14 bayou harvested ten thousand five hundred and
15 twenty-six. And all of those were harvested by
16 dredgers.

17 Of this past week, January the 14th when we
18 reopened, through yesterday, January the 19th, we
19 harvested twenty-three hundred and two sacks. Seven
20 hundred and forty-one were harvested by tongers and
21 fifteen hundred and seventy-nine were harvested by
22 dredgers. Are there any questions?

23 First up on the agenda is Mr. Scott Gordon,
24 and he will report on the public hearing for the basket
25 dredges.

1 MR. GORDON: Good morning, Mr. Chairman,
2 Commissioners, Director Miller, Counselors. We held a
3 public hearing on basket dredges in this room on
4 January 13th to gather public input on the use of
5 basket dredges. I believe you should all have a copy
6 of our summary of the report. I'm just going to
7 briefly go over it.

8 We had nineteen persons from the public show
9 up. I did a brief presentation on basket dredges. We
10 had some speakers. I believe there was eight speakers
11 altogether. We had three persons spoke opposing the
12 use of basket dredges. And their comments are
13 summarized as Mississippi oyster reefs are not hard
14 enough to use basket dredges; damaging and burying
15 reefs because they are too heavy; brings up mud from
16 the bottom. One speaker offered to take some of those
17 favoring the use of basket dredges on his boat so they
18 can see for themselves. Plows up the reef; reduces the
19 amount of time a reef can be worked. And a couple gave
20 examples of reefs they feel that were damaged by basket
21 dredges.

22 Three persons also spoke supporting the use
23 of basket dredges. The maximum weight is the same for
24 basket and bag dredges. Basket dredge will not mud up
25 any more than any other dredge type. Need scientific

1 evidence using technology, such as cameras and divers.
2 Feel a group of fishermen are being blamed for the poor
3 seasons. And carelessness and recklessness will
4 destroy their livelihood.

5 We also had two speakers that neither
6 directly supported nor opposed basket dredges but
7 offered other comments, and they're there before you.

8 And we also received some written comments on
9 a questionnaire sign-in sheet that we had, and they're
10 summarized by those opposing basket dredges; damaging
11 to the reefs; damaging to soft reefs and the edges on
12 good reefs; kill oysters and reefs; should be
13 prohibited.

14 And those supporting basket dredges, they
15 said it's okay if not overweight and pull short on
16 chain and don't pull too long; the ease of use of
17 basket dredges; self-dumping features reduce crew
18 requirements; and we need data to determine any impacts
19 to reefs or oysters.

20 And that's basically the summary. You have
21 some of the specifics before you in my summary for each
22 of the speakers.

23 MR. GOLLOTT: Thank you, Scott. I personally
24 attended the hearing. And after talking to the
25 fishermen on both sides of the issue, I came away with

1 the opinion that maybe we need to go back to the
2 hundred and fifteen pound dredge. And I had Mr. Gordon
3 go back and see -- you know, try to find out what the
4 reason was. I know back years ago, we used -- it was a
5 long time we used a hundred and fifteen pound dredges
6 in Mississippi. Tried to find out why we went to a
7 hundred and forty pounds.

8 But to err on the side of conservation, it's
9 just my opinion - and, of course, we don't have to make
10 this decision today if the rest of the commissioners
11 want to discuss this or look into it further - I think
12 we should go back to a hundred and fifteen pound
13 dredges and do away with the basket dredges altogether
14 and make sure that we're not damaging our reefs.

15 For some reason the people in our industry up
16 until -- do you remember what year it was they changed
17 this, Joe -- Scott?

18 MR. GORDON: It was 1997.

19 MR. GOLLOTT: Yeah. But for years before
20 1997, they used a hundred and fifteen pound dredge in
21 Mississippi. I think we ought to go back to a hundred
22 and fifteen pounds and do away with the basket dredges
23 altogether and see if that won't help our reefs and err
24 on the side of caution.

25 Does anybody else have some comments?

1 MR. ZIMMERMAN: I'd just like to ask, I see
2 that they're asking for science in here, and I've seen
3 some video that we have taken of the dredges. Do we
4 have any data on that?

5 MR. GORDON: While we were still in the
6 process of collecting that information, we were doing a
7 lot of work off of the conservationist when we had an
8 incident with the conservationist and so we've been
9 delayed. But we do intend to go out and collect some
10 more video and look at that.

11 I had one of the fishermen call me up this
12 morning. He was on his way to St. Joe Reef and he had
13 commented on how clear the water was out there. And so
14 that should allow us to get some pretty decent video.

15 MR. ZIMMERMAN: Foot of the American Legion
16 right now you can see seven, eight feet down, so it's
17 a good time to get that type of data. On one of the
18 aluminum boats I saw a dredge table on the back of the
19 vessel. We couldn't use it?

20 MR. GORDON: Yes, sir. Yes, sir.

21 MR. ZIMMERMAN: All right.

22 MR. GOLLOTT: Do we have a motion to table
23 this until further meetings, or what do y'all want to
24 do?

25 MR. ZIMMERMAN: I'd like to collect some more

1 Mississippi.

2 The Commission service includes the
3 management and enforcement of all matters pertaining to
4 Mississippi's saltwater aquatic life and marine
5 resources.

6 The seafood industry is of significant
7 economic importance, employing thousands of our coastal
8 residents, and has a significant history in
9 Mississippi. It is dependent on the Mississippi Sound,
10 estuaries, rivers, streams, creeks, bayous and adjacent
11 federal waters.

12 Large flows of freshwater into the estuarine
13 areas of Mississippi and Louisiana are necessary for
14 the health and economics of Mississippi's seafood
15 industries. This includes potential indirect effects
16 on the health of these areas and species.

17 The Commission is concerned about the
18 detrimental impacts to estuarine areas and species
19 experienced in other areas of the country with existing
20 dams and reservoirs that reduce their freshwater
21 inflow.

22 Further reduction of natural freshwater
23 flowing into Mississippi's fragile estuarine areas may
24 cause severe, permanent damage to those areas species
25 and jobs dependent upon them.

1 data, if possible, to try to back it. I mean, the
2 fishermen are asking on both sides kind of for more
3 science, and I think we should be able to get more
4 science to back it.

5 MR. GOLLOTT: All right. Would you like to
6 make a motion on that?

7 MR. ZIMMERMAN: I'd like to make a motion
8 that we table it until the next meeting and see if we
9 can collect some more data.

10 MR. GOLLOTT: Do I have a second?

11 MR. DRUMMOND: I second the motion, Mr.
12 Chairman.

13 MR. GOLLOTT: Okay. We have a motion that's
14 been made and seconded. All those in favor say aye.
15 All opposed? Motion carries.

16 MR. GORDON: Thank you.

17 MR. JEWELL: Thank you, Commissioners. Next
18 up on the agenda we have for your consideration a
19 resolution addressing the Washington Parish and Pearl
20 River Dams for your consideration. If acceptable, I'll
21 read that into the public record.

22 MR. GOLLOTT: Please do so.

23 MR. JEWELL: Thank you. The Mississippi
24 Commission on Marine Resources is a duly constituted
25 governmental entity created to serve the great State of

1 Significant financial harm to the State of
2 Mississippi and its citizens would result from any
3 further reduction to natural freshwater inflows to
4 Mississippi's fragile estuarine areas.

5 This harm impacts the commercial and
6 recreational fishermen, natural and artificial reefs,
7 and the economy of the Coast and State of Mississippi.

8 Therefore, the Commission resolves that the
9 Commission is opposed to the permitting or construction
10 of any dam or weir that would further reduce the
11 natural seasonal flows of freshwater into Mississippi's
12 estuarine waters.

13 The Commission is opposed to the permitting
14 or construction of the proposed reservoir located on
15 the Pearl River designated as the Mississippi Pearl
16 River Lake Project located near Jackson, Mississippi.

17 The Commission is opposed to the permitting
18 or construction of the proposed reservoir located in
19 Washington Parish, Louisiana.

20 The Commission urges the U.S. Army Corps of
21 Engineers to take whatever actions necessary to ensure
22 that the State of Mississippi and its citizens are not
23 adversely affected by the construction of dams or
24 weirs.

25 Done and resolved in this duly constituted

1 and assembled meeting on this the 20th day of January,
2 2015.

3 If the Commission is resolved to this
4 resolution, it would have to vote on a motion to
5 approve.

6 MR. ZIMMERMAN: I think I'd like -- I see
7 some confused eyes in the audience and would like to
8 explain where this is coming from. There's talk of
9 another dam/lake going in up in Jackson on the Pearl
10 River, which would take away some more freshwater flow
11 from the Pearl River coming into our coastal counties,
12 which as we just got through talking about, we're
13 fighting with our oysters. And oyster growth depends
14 on this freshwater somewhat in their growth cycle,
15 which is where they get their food, they get their --
16 it's just part of their life cycle and it helps them,
17 and it's one of the things that we're looking at.

18 The Louisiana marsh is opening up. We don't
19 feel that the freshwater is coming across the Coast as
20 it used to be now because of the openings in the
21 Louisiana marsh because of erosion. And this will just
22 compound that and take more freshwater away. So that's
23 where this is coming from.

24 The Commission is looking at this and have a
25 concern about it and that's where we are now. With

1 that, I would like to approve signing this by the
2 Commission to not support this project.

3 MR. GOLLOTT: Okay. We have a motion to do
4 this resolution.

5 MR. BOSARGE: Second.

6 MR. GOLLOTT: Mr. Bosarge seconds it. All
7 those in favor say aye. Opposed? Motion carries.
8 Thank you.

9 MR. JEWELL: Thank you.

10 MR. GOLLOTT: Thank you.

11 MR. JEWELL: The final item on the agenda for
12 marine fisheries, in the last meeting the commission
13 heard comments from a charter boat member that asked
14 the commission to address a two-day catch limit and
15 fillet limit. And the commission charged marine
16 fisheries, myself, to review the rules and regulations
17 and come forward with a potential presentation that
18 would address that issue, so today I have that
19 presentation for you.

20 The staff worked with marine patrol and our
21 legal staff to evaluate the most efficient way to
22 address that issue because there was some discussion
23 about the transit permit -- the transport permit,
24 excuse me. And we determined that the transport permit
25 was not the most effective way to address that issue,

1 as the transport permit definition did not incorporate
2 what Mr. Schindler was requesting to do.

3 So we looked at our rules and regulations and
4 determined that the most effective way to do it would
5 be to modify Title 22, Part 7. So I have before you
6 today what we have proposed to do. This is the title
7 and the part. I'll read to you the summary -- the
8 introduction of the summary of the part.

9 We would modify section -- right below
10 section 100, we would add this section to the language.
11 A licensed charter boat or head boat may obtain an
12 endorsement at an annual cost of one hundred dollars
13 allowing for the possession of a two-day bag limit,
14 whole or filleted, of spotted seatrout, red drum, and
15 southern flounder harvested while fishing Mississippi
16 territorial waters in excess of twenty-four hours
17 before returning to the mainland.

18 A float plan shall be filed with the
19 Department of Marine Resources and approved allowing
20 the vessel to possess a Mississippi two-day bag limit
21 adhering to Mississippi's minimum size limits for the
22 species listed above. Said float plan must be received
23 and filed with the Department of Marine Resources prior
24 to departure and during the regular operating hours
25 between 8:00 a.m. and 5:00 p.m. Monday through Friday,

1 and a copy of which must be onboard said vessel for the
2 duration of the trip. Said float plan must be
3 submitted on forms provided by the Department of Marine
4 Resources, signed by the applicant and the official
5 accepting the float plan, and shall contain the
6 following information: Name of the applicant, owner of
7 the vessel, name of the vessel captain, official vessel
8 registration number, description of the vessel, date,
9 time, and location of departure, destinations,
10 anticipated date, time, and location of return.

11 In reviewing the float plan, the Department
12 of Marine Resources may make a determination before
13 each trip whether to approve the two-day trip, bag
14 limit of the trip, whether to approve it with
15 conditions, or whether to reject the two-day trip or
16 the bag limit for that trip.

17 The chartering company shall maintain
18 documentation naming each person participating in the
19 charter stating the time and date the charter left the
20 dock, and the trip must be in excess of twenty-four
21 hours. A copy of this documentation must be onboard
22 the vessel for the duration of the trip. Charter
23 vessel captains and crew are prohibited from keeping a
24 recreational bag limit of spotted seatrout, red drum
25 and/or southern flounder once this documentation is

1 issued for the charter and the submitted float plan has
2 been approved for the two-day bag limit for that trip.

3 Approved vessels must comply with
4 Mississippi's daily possession limits while in the
5 process of harvesting under this endorsement. The
6 two-day possession limit is only allowed onboard the
7 approved vessel upon its final return to the mainland
8 during which time the vessel -- during which time
9 fishing is prohibited.

10 The option to purchase the two-day bag limit
11 endorsement as described in this section shall cease to
12 be in effect one year from the implementation unless
13 further commission action is taken to extend the
14 option.

15 MR. GOLLOTT: Joe, let me say this, I see a
16 lot of problems with this -- your recommendations. And
17 what I'd like to do is table this, if it's all right
18 with the rest of the commission, and give you another
19 month to work on this thing and I think maybe work some
20 of these bugs out. Like I say, I see a lot of problems
21 with it for both sides, the applicant and the law
22 enforcement. If that would be acceptable, I'd like to
23 make a motion that we table this until the next
24 meeting.

25 MR. JEWELL: The staff would be very amenable

1 MR. BOYD: Good morning, Mr. Chairman.
2 Commissioners, Director Miller, Legal Counsel. Coastal
3 Resource Management office has four action items for
4 your consideration this morning, and Jennifer Wilder
5 will be our first presenter.

6 MS. WILDER: Good morning. I'll be
7 presenting a permit application on behalf of Bernard J.
8 Bagert, Jr. The location is the Jourdan River at 101
9 Good Street in Bay St. Louis, Hancock County,
10 Mississippi. It's in the general use district, and the
11 agent is Philip Eubanks. This is an aerial of the
12 area. You see I-10 here, Highway 603, and Highway 90,
13 and then here is our project location. This is a
14 zoomed-up aerial of the project location. The actual
15 location of the project will be here in this canal with
16 his existing structures in St. Louis Bay.

17 The project description, the structure, he
18 would like to build a boathouse 68 feet by 11.25 feet,
19 with a total square footage, including existing
20 structures, of 1,764.50.

21 For dredging, he would like to do some
22 maintenance dredging within the manmade canal.
23 Approximately 42.5 cubic yards of material will be
24 removed, be placed on-site in nonwetlands or an
25 approved wetland fill area.

1 to that. We had several questions that we'd like to be
2 able to work out for both the applicant and the other
3 offices.

4 MR. GOLLOTT: Thank you. Do I have a second
5 on that motion?

6 MR. DRUMMOND: I'll second the motion, Mr.
7 Chairman.

8 MR. GOLLOTT: All those in favor say aye.
9 Opposed? Motion carries.

10 MR. BOSARGE: And would it be possible, Joe,
11 for you to maybe keep us in the loop on what some of
12 the decisions -- some of the changes that are being
13 made?

14 MR. JEWELL: Yes, Commission Bosarge, we can.
15 There are several issues that we are in discussions
16 with marine patrol and our legal office that we didn't
17 quite feel comfortable with. And a little additional
18 time will give us a chance to resolve those issues and
19 produce a much better product.

20 MR. GOLLOTT: All right. Good. Thank you.

21 MR. JEWELL: If there are no other questions,
22 that completes Office of Marine Fisheries.

23 MR. GOLLOTT: Thank you, Joe. Next we have
24 Mr. Jan Boyd, Coastal Resource Management.
25 G. Office of Coastal Resource Management

1 Here is his diagram. This is in the canal
2 portion where he would like to put the boathouse.
3 These are his existing structures in St. Louis Bay. A
4 picture of the site location with his boathouse going
5 here and a picture of the existing structures.

6 The decision factors: The project does not
7 serve a higher public purpose. The proposed project is
8 allowable within the general use district. Similar
9 projects have been approved by Commission and this is
10 not expected to set any precedence. Piling
11 installation may temporarily increase the turbidity in
12 the construction area and may result in a decrease in
13 the number of benthic organisms. The shading of the
14 terminal structure for the proposed project would
15 result in the shading of no more than 1,764.5 square
16 feet of waterbottoms. No further impacts beyond these
17 already described are proposed.

18 Best management practices will be utilized
19 during all phases of construction to minimize adverse
20 impacts to coastal wetlands. No off-site alternatives
21 were considered because this is a private residential
22 lot, and the project serves to allow the property owner
23 access to the water. The construction of a pier does
24 require a waterfront location. There are other similar
25 piers in the area, and this project is not expected to

25

1 adversely affect the natural scenic qualities.

2 Notification of the project appeared in the
3 Sun Herald as required by law and no public comments
4 were received. DEQ is still reviewing the project.
5 Department of Archives and History has no objections.
6 Secretary of State's office is still reviewing the
7 project. The Department of Wildlife, Fisheries and
8 Parks recommended that best management practices be
9 utilized.

10 Based on departmental review and evaluation,
11 the staff recommends the commission approve the
12 applicant's request. Any questions?

13 MR. GOLLOTT: The only question I have,
14 Jennifer, is how wide is that canal?

15 MS. WILDER: Less than twenty-five -- his
16 proposal is less than twenty-five percent of the width
17 of the water there.

18 MR. GOLLOTT: What is the canal width, and
19 how does the channel pass that area?

20 MS. WILDER: Fifteen yards is the total canal
21 width. And the twenty-five percent is what we require
22 for it to be a general permit. It's the maximum a
23 general permit can be, so it's within what we usually
24 do.

25 MR. GOLLOTT: Do we have a motion?

27

1 pier 17 feet by 4 feet, a finger pier 33 feet by 3
2 feet, and another finger pier 33 feet by 2 feet, and an
3 uncovered boat lift 33 feet by 12 feet.

4 As you can see, here's the diagram with the
5 two finger piers and the access pier. And here's a
6 picture of the area. This is where the structure will
7 be placed going out over the SAV. There's a picture of
8 the SAV. It's throughout the whole inlet there.

9 This project does not serve a higher public
10 purpose. The project is allowable within the general
11 use district. Allowing a boat lift to cross sixty
12 percent of the width of the waterway would set a
13 precedent. The project location is not on the main
14 river channel and does not have high boat traffic.
15 Only one adjacent property owner's access could be
16 affected, and this property owner has given approval
17 for the project.

18 The length of the pier allows access to
19 navigable depths without dredging. Allowing a boat
20 lift to be constructed over SAV would set a precedent,
21 also. Mr. Hunt's boat propeller may damage the SAV but
22 is not expected to leave prop scars. Ceratophyllum
23 demersum grows quickly, so any damage is expected to
24 recover quickly. The only alternative that could
25 completely avoid the SAV involved piercing across the

26

1 MR. DRUMMOND: I'll make a motion we approve
2 this project, Mr. Chairman.

3 MR. GOLLOTT: Thank you, Mr. Drummond. Do we
4 have a second?

5 MR. ZIMMERMAN: Second.

6 MR. GOLLOTT: We have a motion and a second.
7 All those in favor say aye. Opposed? Motion carries.
8 Thank you.

9 MR. PICKERING: Good morning. My name is
10 Chris Pickering and I'll be presenting the next three
11 projects. First up we got a request for a permit by
12 Mr. Jerrod Hunt, DMR-140113. It's located on an inlet
13 adjacent to the Tchoutacabouffa River on Courtney Lane
14 in Biloxi. It's in the general use district.

15 On the yellow thumb tack, he owns these two
16 lots through here. And as you can see, this is a
17 peninsula that his neighbor actually owns, and this is
18 the main river here. This is the inlet where he's
19 proposing to put the structure. There's a zoned-out
20 area. We got Popp's Ferry, Cedar Lake Road, I-10, and
21 the Tchoutacabouffa River.

22 The structure will be constructed over
23 submerged aquatic vegetation, specifically
24 ceratophyllum demersum, as an access pier 63 feet long
25 by 4 feet wide, a finger pier 17 feet by 4 feet -- or a

28

1 neighbor's property, and the neighbor would not
2 authorize that.

3 Not allowing this uncovered boat slip and
4 associated piers over SAV would severely restrict Mr.
5 Hunt's exercise of his riparian rights. The
6 installation of pilings will temporarily increase
7 turbidity in the construction area. Installation of
8 the boat lift will result in increased boat traffic
9 over the SAV and may result in materially damaging the
10 flora within the coastal wetlands.

11 SAV is considered essential fish habitat.
12 Shading of ceratophyllum demersum could adversely
13 affect this habitat. National Marine Fisheries Service
14 was consulted and provided guidelines for minimizing
15 these shading impacts.

16 No impacts beyond those already described
17 are proposed. Best management practices will be
18 utilized during all phases of construction to minimize
19 adverse impacts to coastal wetlands. Measures have
20 been taken to minimize the impacts to SAV, based on
21 consultation with National Marine Fisheries Service.

22 Conditioning the permit to require that
23 vessels that utilize the boat lift do not operate above
24 idle speed could minimize the chance for damage to
25 SAV. Conditioning the permit to specify that

1 mechanical or chemical removal of SAV shall result in
2 enforcement action and fine will help minimize any
3 secondary impacts to the SAV.

4 One alternative considered was to extend the
5 access pier over the adjacent property owner's property
6 to reach the main body of the river. However, the
7 adjacent property owner was not willing to give this
8 authorization.

9 Several pier and boat lift configurations
10 were proposed by applicant that would shade a larger
11 area of the SAV. The current configuration minimizes
12 these impacts and meets the recommendations of National
13 Marine Fisheries for structures constructed over SAV.

14 Piers and a boat lift do require a
15 waterfront location. There are other structures in the
16 area, and this project is not expected to adversely
17 affect the natural scenic qualities.

18 A notification of the project appeared in
19 the Sun Herald on December 2nd, 9th, and 16th of 2014.
20 No public comments were received. DEQ is reviewing the
21 project. Archives and History has no objection.
22 Secretary of State's office asked that all necessary
23 measures be taken to avoid adverse impacts to the
24 marsh. And Wildlife, Fisheries and Parks says if best
25 management practices are implemented, the project

1 likely poses no threat to the listed species or their
2 habitats.

3 Based upon departmental review and
4 evaluation, the only other option is to deny the
5 applicant access to the water. Therefore, staff
6 recommends that the commission approve the applicant's
7 request with the following conditions: Any vessels
8 that utilize the boat lift shall not operate above idle
9 speed while navigating to and from the boat lift within
10 areas where SAV growth is present. If SAV in the
11 project area is removed by chemical or mechanical
12 means, a fine shall be issued to the applicant in
13 accordance with Mississippi Code 49-27-51.

14 MR. GOLLOTT: Chris, would you state for the
15 record what SAV stands for?

16 MR. PICKERING: Submerged aquatic vegetation.

17 MR. GOLLOTT: Do we have a motion on this?

18 MR. DRUMMOND: I guess this is in our
19 district, isn't it, Chris?

20 MR. PICKERING: Yes, sir. It's in tidal
21 water.

22 MR. DRUMMOND: It's in tidal water?

23 MR. PICKERING: Yes, sir.

24 MR. DRUMMOND: I'll make a motion that we
25 approve this project, Mr. Chairman.

1 MR. GOLLOTT: Okay. We have a motion. Do we
2 have a second?

3 MR. BOSARGE: I have one question, Mr.
4 Chairman.

5 MR. GOLLOTT: Okay.

6 MR. BOSARGE: Just out of curiosity, would it
7 be asking too much if that was posted; in other words,
8 those stipulations be posted at that boat dock?

9 MR. PICKERING: We could put that in the
10 permit, yes.

11 MR. BOSARGE: Yeah. I mean, that way anybody
12 that's going in and out of that boat lift knows what
13 they're supposed to do and not supposed to do.

14 MR. PICKERING: We can put that in the notice
15 of compliance and the permit and make sure it's posted
16 there.

17 MR. BOSARGE: Thank you.

18 MR. GOLLOTT: Does anyone have any opinions
19 on setting a new precedent on this?

20 MR. BOSARGE: I feel it's appropriate simply
21 because it's in a dead-end canal and he owns both lots,
22 and I don't see where we've got a lot of choice.

23 MR. GOLLOTT: Okay. Do we have a motion?

24 Did you make the motion, Shelby?

25 MR. DRUMMOND: I did.

1 MR. GOLLOTT: Okay. Do we have a second?

2 MR. ZIMMERMAN: Second.

3 MR. GOLLOTT: We have a motion and a second.
4 All those in favor say aye. Opposed? Motion carries.

5 MR. ZIMMERMAN: Mr. Chairman, that is with
6 the --

7 MR. GOLLOTT: What Steve asked for.

8 MR. ZIMMERMAN: -- the stipulation change?

9 MR. GOLLOTT: Yeah.

10 MR. ZIMMERMAN: Okay.

11 MR. PICKERING: Next up we have a request for
12 after-the-fact waiver by Mr. Scott Mullen, DMR-130347.
13 It's located on an unnamed canal adjacent to Bayou La
14 Croix on Kyushu Street in Bay St. Louis, Hancock
15 County, Mississippi. It's in a general use district,
16 and the agent is Culpepper & Associates. Here's the
17 aerial. This is the location where he's constructed
18 the structures that we're going to be looking at, but
19 he owns basically from here all the way to the end of
20 this canal. And the yellow thumb tack is where he's
21 located, I-10, Highway 603, Highway 90, and the Jourdan
22 River.

23 His permit for piers and a boathouse
24 totalling 940.135 square feet and a boat slip 35 feet 9
25 inches by 53 feet 6 inches. Currently his existing

1 structures, he has out of compliance/unauthorized
2 piers and boathouse totalling 1,360.5 square feet
3 and a boat slip 38 feet by 59 feet.

4 And this is what he was permitted before.
5 It's kind of hard to see. There's a bunch of numbers
6 there. Basically he had a -- that was where the boat
7 house was located and his piers. And this is what is
8 proposed, a boat house that was constructed bigger than
9 was permitted before. And there's some of his
10 structures. He says he's not putting a roof over this.

11 On September 8th, 2014, staff met with the
12 agent at the project location and a compliance check
13 revealed the structures were out of compliance with the
14 previous permit. The agent was informed an
15 after-the-fact application would need to be submitted.
16 On October 10th the agent submitted the after-the-fact
17 application.

18 This project does not serve a higher public
19 purpose. The proposed project is allowable within the
20 general use district. Similar projects have been
21 approved and no precedent setting effects are
22 anticipated with this project.

23 Removal of the existing unauthorized
24 structures would temporarily increase turbidity in the
25 construction area. The project has been completed and

1 no further adverse impacts are expected. No off-site
2 alternatives have been considered because this is a
3 private residential lot, and the project serves to
4 allow the property owner access to the water.

5 A boathouse, piers, and boat slip do require
6 a waterfront location. There are other structures in
7 the area, and this project is not expected to adversely
8 affect the natural scenic qualities.

9 Notification of the project appeared in the
10 Sun Herald on December 2nd, 9th, and 16th, 2014, and it
11 also appeared in the Sea Coast Echo on November 29th,
12 December 6th, and December 13th, 2014.

13 Staff received several public comments that
14 were all in favor of the project. DEQ is currently
15 reviewing the project. Archives and History has no
16 objection. Secretary of State says the project is not
17 located in public trust tidelands. Wildlife, Fisheries
18 and Parks ask for best management practices to be
19 implemented.

20 Based upon departmental review and
21 evaluation, staff recommends that the Commission
22 approve the applicant's request for after-the-fact
23 authorization. Staff also recommends that a fine be
24 issued to the applicant in accordance with Mississippi
25 Code 49-27-51.

1 The violation was discovered on September
2 8th, 2014. The violation duration was thirty-three
3 days. Maximum potential fine is sixteen thousand five
4 hundred dollars. And we are recommending a fine of
5 five hundred dollars issued to Mr. Scott Mullen, who is
6 the applicant.

7 The applicant has been very cooperative
8 throughout the after-the-fact permitting process. And
9 just a note, the agent, Culpepper & Associates, he was
10 acting as the agent for Mr. Mullen, but they were not
11 the actual ones that constructed the structures. I'm
12 not sure exactly who constructed it for him.

13 MR. GOLLOTT: Do we have any thoughts on
14 this?

15 MR. DRUMMOND: Mr. Mullen here?

16 MR. PICKERING: I do not believe anyone is
17 here representing Mr. Mullen.

18 MR. DRUMMOND: Mr. Chairman, I make a motion
19 that we approve this project. And the recommendation
20 of the staff is five hundred dollars, and I recommend
21 that we approve that, also.

22 MR. BOSARGE: I'll second the motion.

23 MR. GOLLOTT: Okay. We have a motion and a
24 second. All those in favor say aye. Opposed? Motion
25 carries.

1 MR. PICKERING: Thank you. The last project
2 for your consideration is a violation after-the-fact
3 exclusion by Peter and Rochelle Johnson, DMR-140097.
4 It's located on Bernard Bayou at 1614 Cypress Lane in
5 Gulfport, Harrison County, Mississippi. It's in the
6 general use district, and the agent is Steven James
7 Drennen. The yellow thumb tack is the location of the
8 project, Cowan-Lorraine Road, East Pass Road, Highway
9 10, and this is Bernard Bayou. And there's a zoomed-in
10 aerial. This is the location of the structure.

11 He was permitted for piers and a boathouse
12 that totaled 993 square feet. And he currently has
13 existing out of compliance/unauthorized piers and a
14 boathouse totalling 1,043.02 square feet.

15 And this is the diagram of what was
16 permitted before. And as was talked about in previous
17 commission meetings, the adjacent property owner
18 authorized for him to build out twenty-five feet from
19 this point, and it is currently -- it's not showing it,
20 but it was brought into compliance and is at the
21 twenty-five feet. And here's a diagram -- I mean, a
22 picture after it was brought into compliance. And as
23 you can see, it looks like she has room to get out
24 now.

25 On November 18th, 2014, because adjacent

1 property owner approval could not be obtained, the
2 commission ordered the agent to bring the project into
3 compliance with the adjacent property owner approval
4 within forty-five days of this date or he would be
5 issued a ten thousand dollar fine. If the structures
6 were brought into compliance, then the fine would be
7 waived.

8 On January 6th, 2015, a compliance check by
9 staff revealed the agent had started work to bring the
10 boathouse into compliance but the work was not
11 complete.

12 On January 13th staff met with the agent on
13 site. The compliance check revealed that two feet of
14 roof overhang still needed to be removed. And on
15 January 20th, a compliance check revealed that the
16 structure had been brought into compliance with the
17 adjacent property owner approval.

18 Because the structure has been brought into
19 compliance with the adjacent property owner approval,
20 staff recommends that the Commission approve the
21 Johnsons' request for after-the-fact authorization of
22 the boathouse in the current footprint. And I believe
23 the agent is here.

24 MR. GOLLOTT: Yes, sir. If you'd like to
25 talk, come to the podium and state your name for the

1 you through the financial results as of the end of
2 December. Through the end of December we had state
3 revenue of four million dollars. This did not include
4 interagency revenue of almost a million and half
5 dollars that's been held up due to the new accounting
6 system MAGIC. Total agency revenue was seventeen
7 million.

8 On the state side we had a negative number of
9 1.1 million dollars, but that would have been positive
10 when -- or will be positive when the interagency
11 revenues get posted at some point in the next couple of
12 months. Total agency net income is 5.5 million
13 dollars. Any questions?

14 MR. BOSARGE: What seems to be the problem
15 with the MAGIC accounting program?

16 MR. FEIDT: Director, do you want me to
17 answer that?

18 MR. MILLER: I apologize, what was the
19 question?

20 MR. FEIDT: He was asking about MAGIC and
21 some of the issues we've been having.

22 MR. MILLER: Sure. Yeah.

23 MR. FEIDT: It's a very complex new system.
24 It's based on a German product called SAP. Most of the
25 big companies in the world use it. They've been

1 record, please.

2 MR. DRENNEN: Commissioners, James Drennen,
3 agent. We did everything you asked. We brought the
4 barge and was working. I know we wasn't in our
5 forty-five days, but we was on the job, and, you know,
6 we did everything we can. It was during the holidays
7 and all that, so -- and it was very difficult because
8 we had to pull up forty-five foot pilings, just
9 reconstruct everything. So I just want this to be over
10 with and move on, that's all I'm asking.

11 MR. GOLLOTT: I understand. Thank you. Do I
12 have a motion on this?

13 MR. BOSARGE: I'll make a motion that we
14 accept the staff's recommendation.

15 MR. GOLLOTT: Do we have a second?

16 MR. DRUMMOND: Second the motion, Mr.
17 Chairman.

18 MR. GOLLOTT: We have a motion and a second.
19 All those in favor say aye. Opposed? Motion carries.
20 Thank you very much.

21 MR. DRENNEN: Thank you.

22 MR. GOLLOTT: Next we have the monthly
23 report. Bill?

24 H. Office of Finance and Administration.

25 MR. FEIDT: Good morning everyone. I'll take

1 working on it for many years. They're still working on
2 it. The director and I met with several people in
3 Jackson last week. They've just got a lot of things to
4 work through and they are working on it right now.

5 MR. BOSARGE: The system is up and
6 implemented and you're inputting data into it?

7 MR. FEIDT: Yes. The good news is, is we're
8 getting people paid. We're getting invoices paid. The
9 day-to-day business of the agency is working fine.
10 They're just having to work out the kinks about the
11 reporting and how things are handled on the back end.

12 So it's frustrating at times, but they are
13 working on it. And we're going to keep pushing them to
14 get things in place to where we can pass our audit
15 later on this year in the fall when we have to go
16 through our first audit.

17 MR. BOSARGE: All right. Good. That's
18 progress.

19 MR. FEIDT: Yeah. From a budget standpoint
20 after six months, we're in good shape. Operating funds
21 have sixty-five percent budget remaining. And on the
22 tidelands side we have seventy-five percent budget
23 remaining. Any questions?

24 MR. GOLLOTT: Thank you, Bill, appreciate it.
25 Next we have Melissa, public affairs.

1 MS. SCALLAN: Good morning, Commissioners,
2 Director Miller, Ms. Chestnut, Mr. Morrison. The
3 Department of Marine Resources was mentioned
4 thirty-three times in local, state, and national media
5 since the last commission meeting. The items of
6 particular interest included the opening and closing of
7 oyster reefs and opening again. We also had several
8 students from Ohio State University who helped the
9 Shellfish Bureau and Coastal Preserves program do some
10 work on Deer Island the first week, and they were
11 impressed with our weather because they said it was
12 warm.

13 I also want to introduce you to Amber Jones.
14 Amber, stand up a second. Amber joined the public
15 affairs team as social media coordinator. She's going
16 to be handling our Facebook, Twitter, Google-plus,
17 Instagram, all of those accounts, so welcome, Amber.

18 Marine Patrol helped several Coast
19 communities, several communities here in December.
20 They helped several cities with their Christmas on the
21 Water parades, including Biloxi, Moss Point, Gulfport,
22 and Ocean Springs. We appreciate that.

23 Also, the 2015 Marine Information calendars
24 have been distributed coastwide. If you need one, let
25 me know. The calendar features all the tidal

1 MR. GOLLOTT: I'd like to call the meeting
2 back to order, and I believe that's it. Do we have a
3 motion to adjourn?

4 MR. DRUMMOND: I make a motion we adjourn,
5 Mr. Chairman.

6 MR. GOLLOTT: Do we have a second?

7 MR. MILLER: Hold on. Do we -- do you need
8 to report back?

9 MR. GOLLOTT: Oh, okay, go ahead. I'm sorry.

10 MR. MORRISON: We just had an executive
11 session on some personnel matters. One motion was
12 made. Mr. Zimmerman made a motion to approve an
13 evaluation as the official evaluation of the commission
14 for the executive director. That motion was seconded
15 by, I believe, Commissioner Bosarge at 10:40.

16 MR. GOLLOTT: Thank you, sir. Okay. We have
17 a motion to adjourn, we have a second. All those in
18 favor say aye. Opposed? Motion made. Adjourned.

19 - - -

20 (Said hearing concluded at 11:00 a.m.)

21 - - -

1 information, sunsets, all of our events, commission
2 meetings, all of that. So if you would like one, just
3 let me know.

4 And also as Director Miller mentioned, we
5 have Capitol Day on January the 28th, so if you're up
6 in Jackson, please join us. Thank you.

7 MR. GOLLOTT: Thank you, Melissa. Next under
8 other business, we have consideration for an executive
9 session. Do I have a motion?

10 MR. ZIMMERMAN: I'd like to make a motion
11 that we go into closed session to vote on going into
12 executive session.

13 MR. GOLLOTT: We have a motion. Do we have a
14 second?

15 MR. DRUMMOND: Second the motion, Mr.
16 Chairman.

17 MR. GOLLOTT: We have a motion and a second.
18 All those in favor say aye. All those opposed? Motion
19 carries.

20 - - -

21 (OFF THE RECORD)

22 MS. CHESTNUT: The Commission is now in
23 executive session to discuss personnel matters.

24 - - -

25 (OFF THE RECORD)

1 COMMISSION ON MARINE RESOURCES

2 COURT REPORTER'S CERTIFICATE

3
4
5
6 I, Lynn Strickler, Certified Court Reporter,
7 do hereby certify that to the best of my skill and
8 ability, I have reported the meeting of the Commission
9 on Marine Resources and that the foregoing forty-three
10 (43) pages constitute a true and correct transcription
11 of said meeting held on the 20th day of January, 2015.

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

17 IN WITNESS WHEREOF, I have hereunto set my
18 hand, this 26th day of January, 2015.

19
20
21
22
23
24 Lynn Strickler, CCR 1299, Notary Public,
25 State of Mississippi, County of Jackson.
My commission expires 6-12-2016.