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COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

January 21, 2014

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COMMISSION ON MARINE RESOURCES

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TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW AVENUE, BILKIE, MISSISSIPPI, ON THE 21ST DAY OF JANUARY 2014 COMING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER SOROE, CERTIFIED STENOMODER.

COMMISSION MEMBERS PRESENT:

RICHARD GOLLOTT, Acting Chairman

STEVE BOSARGE

ERNE Zimmerman

ALSO PRESENT:

JAMIE MILLER, Director EMR

JOSEPH R. RUGGLES, Esq., Asst. Attorney General

A. Call to Order

MR. GOLLOTT: I'd like to call the meeting to order. I'd like to welcome you folks to the January regular Commission on Marine Resources meeting. And if you have any public comments, please fill out the paper in the back and get them up so you can talk when it comes up. When it comes up, come to the podium, state your name and your business.

B. Approval of Minutes

MR. GOLLOTT: And now we have approval of the minutes. Do I have a motion or any modifications?

MR. ZIMMERMAN: Motion to approve.

MR. GOLLOTT: Second?

MR. BOSARGE: So second.

MR. GOLLOTT: Call for a vote. All those in favor. Opposed? Motion carries unanimously.

C. Approval of Agenda

MR. GOLLOTT: Okay. We have approval of the agenda or a modification of the agenda.

MR. MILLER: Chairman, I'd like to propose that we add under other business consideration to go into closed session to consider going into executive session to discuss a personnel matter.

MR. ZIMMERMAN: I'd like to make the motion.

MR. GOLLOTT: Do we have a second?

MR. BOSARGE: Second.

I think it's important that we not lose any momentum and that we have somebody qualified to represent us. So that's what I would like to do if y'all approve that.

MR. GOLLOTT: Thank you. Do I have a motion?

MR. BOSARGE: Yes, sir. And Dale is a great asset, has been, and always will be. So I'd like to make a motion to approve rehiring Dale Diaz. And what did you say the salary was?

MR. MILLER: It's going to be a contract for twenty-five thousand. That's his time and his travel cost. January 31 through June 30 of this year.

MR. BOSARGE: That's what we want.

MR. GOLLOTT: Do we have a second?

MR. ZIMMERMAN: Second.

MR. GOLLOTT: All those in favor say aye.

Opposed? Motion carries.

MR. MILLER: Second, I'd like to inform you of an emergency procurement. In mid-January, we had a major equipment failure at the HEB facility in Jackson County. The chiller, which controls the building climate, broke. We've had a few folks, professional groups, come out and look at either repairing or replacing the unit as soon as possible.

We anticipate the cost of these repairs or replacement is going to be probably in the neighborhood of...
I think that's it. Thank you.

MR. GOLLOTT: Okay. Next we have marine patrol.

Chief Pittman.

E. Office of Marine Patrol

1. Report on Citations

MR. PITTMAN: Good morning, Mr. Chairman, commissioners, Director Miller, Mr. Runnels.

A short report this month. Last month was a bad weather month, plus we had all the holidays.

As you can tell on the front page on the first page, we had a few oyster violations that were made. And had one sale of red drum in closed season.

On, of course, the back we did have a dive team report. We assisted USM Gulf Coast Research Lab and Fisheries doing a study on the oyster reefs.

Our December JEA patrols, we had 17 patrols, 219 man hours, 85 contacts, one enforcement action report, three state issued citations.

Any questions?

MR. ZIMMERMAN: I have something, Rusty.

I've gotten numerous complaints from people around Hancock County about the airboats bearing up the marsh in the Pearl River estuary.

And I went and looked, and it's hard for me to climb through marsh and whatever. I'd like to ask the

1. commissioners with their permission to see if you can document some of this for us. I know, you know, the best thing to do is get some pictures and put in front of us so we can see what's being done and see if it is an issue.

MR. PITTMAN: Yes, sir, we can. And we do have our airboat up and running. We have five officers now trained on it. We're going to start making two or three patrols a month. And we do have some aerial photographs of that area that if you would like to see we can get them together for next month.

MR. ZIMMERMAN: Cold we bring that back to us next month, please?

MR. PITTMAN: Yes, sir, be glad to.

MR. ZIMMERMAN: That's it.

MR. PITTMAN: Thank you very much.

MR. GOLLOTT: Next on the agenda we have Joe Jewell, marine fisheries.

F. Office of Marine Fisheries

MR. JEWELL: Good morning, commissioners. Today we have several items on the agenda.

1. I want to update you on our commercial quota landings before I get started.

For flounder, we have landed 19,518 pounds. So we are still within the quota limits of 2013.

For redfish, the limit is 35,000 pounds, and we

landed just over 36,000 pounds.

For speckled trout, the quota is 50,000 pounds, and we landed just over 51,000 pounds.

So it's a significant improvement over the way we have managed the quota system in the past with the introduction of our trip ticket program.

1. Marine Fisheries Annual Report

Mr. Jewell: First on the agenda is I'm going to
give an annual update of the 2013 year for marine fisheries.

I've been asked by our bureau directors to mention that this is just an overview. It doesn't reflect all that we do, but it reflects some of the major functions that we do in our outreach to the public.

Of course, I'm Joe Jewell. I'm the interim director of marine fisheries. And I'm going to go through each of our five bureaus one by one.

First up is the shrimp and crab bureau. Traci Floyd is the director. This is an overview of the shrimp and the crab seasons this past year. Of course, we typically close towards the end of December, so January 1st the areas close north of the intracoastal waterway. April 30 all waters in Mississippi are closed. And then last year, the opening of the shrimp season was June 11. And then we opened in October the Biloxi channel between Biloxi 18 and 26. And again closed north of the ICW in December to complete that cycle. We had
Total landings in November of about eight and a half million pounds. We are down about five percent on average since Katrina. And we have 15 live bait camps that are licensed.

For the crab season, January through December, we had just over 311,000 pounds, and that's down from the historic ten years average of 47 percent. The 2013 cleanup program was held February 14 through 23. There were 281 derelict crab traps were removed. And total for the program is just around 19,000 traps removed from the environment.

Trawl samples is another significant part of the program. There were approximately 329 trawl samples taken in 2013, and these represent some of the main programs, our shrimp monitoring program, our monitoring assessment of L&J resources, and also the DEEPWATER HORIZON oil spill seafood sampling program that we update on our web page.

Mr. Zimmermann: Joe, can I ask a question now?

Mr. Jewell: Sure.

Mr. Zimmermann: I see the shrimp landings of this year's shrimp season was down.

Mr. Jewell: That's correct.

Mr. Zimmermann: Are y'all seeing a decrease in your sampling rate of poundage on the rates that you're getting, also? For relevance, I mean.

Mr. Jewell: There's a slight drop in it, but not a significant one.

Mr. Zimmermann: Okay. I'm trying to understand it. Is it something adverse conditions that are hurting it, or is it just there's less shrimp?

Mr. Jewell: We don't suspect so. I mean, there are typically fluctuations in the overall landings for the year. We don't see this as an odd year out, like the crab program. But we see this as a normal cycle up and down throughout the shrimp season.

Mr. Zimmermann: Okay. Thank you. That answers it.

Mr. Jewell: New crab season -- I'm sorry.

Of course, in the shrimp and crab bureau we produce two major newsletters that are public outreach. One I mentioned was Seafood Safety. This is in response to the BP oil spill, and it has significant data for the public, primarily including the seafood safety sampling program.

And then our Shrimp and the Sand newsletter, this is a public outreach by the bureau for primarily the fishermen in the industry, the shrimpers, and it includes significant things like turtle mortalities and grant opportunities, marketing. It gives Coast Guard safety requirements, the NOAA bulletin fisheries publications, it gives all those updates. And these are mailed to all 481 fishermen who purchase a commercial license during 2013 year.

This bureau also conducted -- they are responsible for the DNR seminar series. There were two of them. One of them was on artificial reef on March 12, and the second one on oysters, science on the half shell, was on October 23.

Special permits is another program that's administered by this bureau. There were 22 saltwater scientific collection permits, one nonprofit permit, one saltwater scientific transport permit, and a saltwater special collection permit.

They're also responsible for the real-time hydrological monitoring program. There are 12 of these instruments scattered throughout the Mississippi Sound, and all this data is available on the DNR web page.

Next up is the finfish bureau. It's administered by Mr. Matt Hill. They conduct interjurisdictional or L&J fan sampling. There were 96 gill net sets, 35 species were represented, for a total of just over 3200 fish were sampled, and approximately 700 otoliths were collected from ten different species.

A couple of the other important programs.

Biological sampling. There again approximately 700 otoliths were collected. So the program collected overall just over 1400 otoliths during the 2013 year. There were 12 recreational and commercial species were targeted and over 50 trips were conducted to obtain biological samples.

The MPN program, that is the old MPN program that y'all are quite familiar with that does the dock and pier interviews. The data collected, area fished, species targeted, actual catch. There are three modes of this survey which is shoreline, party/charter boat, and private/rental.

And total, just around 1700 interviews were conducted in 2013 with this program.

Commercial landings. I'm sure you're all familiar with our port agent program. They collect landings in the new coastal counties that's transmitted to National Marine Fisheries Service. The weekly market news report is updated. Monthly monitoring of the commercial quota for spotted seatour, red drum, and southern flounder.

Trip ticket program. It was implemented and throughout across the board in our seafood industry in January of 2012 under Title 22 Part 9. It requires all licensed dealers, fishermen to participate in reporting of commercial landings through the trip ticket program. It's scannable in electronic form. Information is collected to use in management decisions to aid fishermen in case of natural disasters. Over 5600 tickets were processed from 450 active fishermen and dealers.

Another successful program that we have is the monofilament recycling program. Y'all may have seen these on our docks and in areas of high public use for fishing.
community. What we try to do is prevent the material from getting out into the environment, tangle and damage fish. Currently we have 44 recycling stations. There are 14 of these in Jackson County, 24 in Harrison County, and six in Hancock County. So far, over 50 pounds of monofilament has been shipped through this program for recycling.

Next up is our artificial reef program under Mr. Jimmy Sanders. I selected these two pictures. That’s Katrina Key on the backside of Deer Island. We are now negotiating with the Grand Casino to acquire some of the materials that’s on their site on front beach on Highway 90 to extend the reef. The artificial reef program has done 36 gill nets to assess the inshore artificial reefs, 42 inshore reef deployments, with a total just over 28,000 cubic yards of Number 57 limestone. We side scanned 11 oyster reefs in 11 oyster reef zones. Trip tickets to release a total of just over 6,000 pompano and red snapper in state and federal waters, two trips to investigate lionfish on offshore artificial reef sites.

A little more detail about our fish releases. We conducted two different Florida pompano releases. One was in August 2700 pompano, and then another in December, there were 2200.

Our red snapper release program in January 2013. We released just over 670 red snapper. And then in December of this past year on Fish Haven 2, we released 650 red snapper.

And we also do a lot of coordination with our other agency, like Gulf Coast Research Laboratory, do tag and release and assist them, like cobia and speckled trout.

MR. KIMMEL: Joe, I’d like to question, both of these projects we do inshore through GCRFL?

MR. JENSEN: We coordinate with them. But we also have the Lynn Fish Hatchery where some of these are grown. And we coordinate with GCRFL on their release program, specifically with the spotted seatrout.

Our artificial reef deployment, we did 42 of the inshore reefs for a total of just over 28,000 cubic yards completed in June 13 of this past year.

Also, we do offshore artificial reef deployments.

We did the Florida limestone pyramid. These are the large ones that are stacked up on the bow of the boat on the right. We did two deployments totaling 26 pyramids.

This bureau, like all the other bureaus in marine fishery, conducted public outreach. There were 16 public outreach events, including the Gaff-driven Mullet Festival and the Carl Leggett Rodeo, where we provide the public a lot of our public information, pamphlets, brochures, the rules and reg book.

Next up is seafood technology bureau under the authority of Ms. Ruth Possas. I’ve listed over here in the left-hand or right-hand side several of the major programs.
1. shoreline and sanitary surveys, identify and document actual potential pollution sources. We maintain growing area classifications, monitor conditional growing area parameters, and we operate the meteorological stations.

2. Throughout the year, the shellfish bureau was asked to conduct special reef assessments throughout the Sound. They do this through side scan sonar, dredge samples, and square meter scuba samples.

3. In the fall an intensive assessment collected about 60 samplings at 60 sampling stations that surveyed the entire commercial reef area in the western Mississippi Sound. We had a successful summer spot set. It was found on 91 stations and he 60 stations that were sampled.

4. The shellfish bureau also conducts educational functions. And this year they are quite proud, they produced the oyster stewardship book that gives really a whole list of overall view of the industry and the components in it. This book is 118 pages long. It's funded through a NERR grant and was circulated to our commercial fishermen.

5. This bureau also does a lot of reef restoration and habitat enhancement. Over on the left-hand side, you will see some of the limestone. It has to be a certain size for us to place out on the reefs. There were a total of just over 1200 acres of oyster reefs in the western Mississippi Sound that have been planted with just over 140,000 cubic yards of limestone and oyster shell. Additional cultch plants were deployed in St. Louis Bay, Biloxi Bay, with just over 3500 cubic yards of oyster shell. This shell was deployed funded through a grant from the Fish America Foundation.

6. Evaluation of the reefs has begun using side scan sonar and dredge tows. And that completes the annual update. Does anybody have any questions?

7. MR. GOLLITT: I've got several questions for you here. On the Grand, I see they're starting to demolish it now, have we gotten any bids out, do we have our ducks in a row, for getting the material to bring it out to the Katrina Reef?

8. MR. JEWELL: We are doing that currently. Right now, there's a bid packet in process internally within the agency, and we do anticipate that coordinating with the Grand's demolition of the project and placing that material on Katrina Reef.

9. MR. GOLLITT: Last month, we had a gill netter come before us asking us to go to a nylon net. Did y'all find anything on that or dig into it? I thought we had instructed y'all to come back with a report on it.

10. MR. JEWELL: We had — my understanding is that we had a little bit of time to do that. The commission certainly did direct us to take that under consideration and evaluate that request. And we are currently doing that. I think next month we plan to come forward with a more intensive presentation to the commission on that issue.

11. MR. GOLLITT: Okay. And one more thing. We have a dredge issue. We're getting a lot of complaints on these automatic dredges the fishermen are using now. And we need to either educate them or outlaw that particular type of equipment because they're telling me it's tearing the reef up.

12. I'd like to see us educate it, maybe come up with some kind of little clip or little movie that we can sit down with the fishermen before they get a -- we make them take a course or some kind of a test or something.

13. I think teaching these people to regulate the dredges would help them and help our reefs, too. So that's something we probably really need to look into as a way to keep these reefs from getting torn up.

14. MR. JEWELL: Commissioner Gollitt, we have received several complaints about -- they're called basket dredges. They do more intensively plow up the bottom than a regular dredge does.

15. We intend to take that under consideration. I've spoken to Mr. Scott Gordon, our shellfish bureau director, and we intend to do after the season closes or somewhere in coordination with that, we're going to conduct a couple of public outreach events through the stewardship program and make that part of that process.

16. MR. GOLLITT: Good.

17. And just for everyone's information, Thursday, the 16th, Jamie Miller, Joe Jewell, and myself went out on the Pass Christian dredging reef to sample it off of a private oyster boat, The JOSY C.

18. I'd like to thank Harold Strong and his deckhands for hosting this.

19. I think we learned quite a bit out there. It's my opinion that after seeing this that we should open south of Pass Marianne areas as soon as possible. What we see out there was oyster drills. And oyster drills kill oysters. And I think we're losing a lot of oysters where we could open this up and let our fishermen go out there in Pass Marianne channel and go ahead and get that done.

20. We also sampled off of St. Stanislaus. And quite a few beautiful oysters there, but they're wrapped up in mussels. And I think opening this area would allow the fishermen to harvest that oyster right now because oysters are very scarce, and they're very expensive. Our fishermen are doing very well on the price of oysters.

21. It's my belief that we could open all the other reefs, the dredging oyster reefs, and as long as we do a good job in making these folks call these oysters, they're not going
to hurt the reef for next year.

And I'd like to have a motion on keeping the
oyster reef open until at least the next or until right after
the next commission meeting, which would be about 30 days, open
the whole — everything that can be open.

You probably have something to add to that, Joe.

MR. JENELL: I was just going to point out that
Mr. Gordon is going to give an oyster season update that's
going to have some information in it that the commission may
want to consider.

MR. GOLLOTT: Okay.

MR. JENELL: So if you all want to wait for that
and then you'll have a...

Okay. Next up, if there are no more -- are
there any more questions? I'd be glad to answer any more
questions.

Next up is Mr. Rick Burris who is going to give
a live bait update.

2. Live Bait Update

MR. BURRIS: Good morning, commissioners,
Director Miller, Mr. Rumels.

Today we're going to give you an update on the
2013-2014 Mississippi live bait shrimp industry.
In case you're not familiar with our live bait
shrimp industry, we allow licensed live bait dealers to catch
and sell shrimp as a service to our recreational fishermen so
they may have access to live bait shrimp year round.
So these licensed live bait shrimp dealers are
highly regulated and must be fully inspected before being
operable.

The laws and regulations concerning live bait
shrimping can be found in Mississippi Code 49-15-64.4 or Title
22 Regulations Part 6.

Just to summarize these regulations, each camp
must submit an application to DMR. We then have 30 days to
inspect the camp. And all their equipment must pass inspection
in order for them to be licensed. And I'll go over that in
just a minute.

They are different from commercial shrimpers in
that they're allowed to shrimp 12 months out of the year and
they can shrimp with inside a half mile of the shoreline.
However, they're not allowed to shrimp at night,
and their tow time is limited to 25 minutes, which includes
picking out of the shrimp.

They cannot in any way sell their shrimp for
consumption purposes, and they must report their landings and
sales monthly to the trip ticket program. And I'll go over
that in a minute, too.

As far as inspection requirements, they are
pretty strict due to the fact that we want them to make every

1 possible move to ensure that their catch stays alive. So we
2 make sure that the tanks at the camp and the vessels and on
3 their transport vehicles all have adequate flow and
4 circulation. They must have rounded corners. They can't have
5 pointy corners to keep the shrimp from congregating. They have
6 to have a cover over the tanks to keep the water from
7 overheating in the sun.
8
9 They can have a trawl no longer than 16 foot
10 with four foot doors, and for enforcement purposes, we make
11 them have a big sign that says live bait boat, as well as the
12 name of the camp.

Here's an example of what we're looking for when
we're inspecting the camps. You can see spray bars here and
the stones, the oxygen stones, are putting a lot of oxygen in
the water. There's good circulation you can see with all these
bubbles here. And also the corner here, you can see they have
a square tank, but they put boards in the corners to keep that
— to lesser the angle of that corner which keeps the shrimp
out of there and they won't use up all the oxygen.

Here's an example of a live bait boat. It's one
of the Mary Walker's boats. You can see right here the big
sign that says live bait and the name of the camp. This lets
our enforcement officers know that the boat trawling in closed
commercial waters is a live bait boat. And then you see they
have a cover over the tank. They have a sorting tank and a
holding tank, and they both must be covered. And you can see
this pipe here. That's what brings the water up off the bottom
so they'll have good fresh water.

As I mentioned earlier, the live bait dealer
must submit a monthly report which reports the camp name, their
license numbers, and every day of the month they have to report
the number of purchasers, the number of shrimp they caught if
they went out, the number of live shrimp they sold, and then
whatever chum and squid and crabs that they sold.

What we do with that data, look back on it and
see the number of purchasers we had. As you can see, before
Katrina we had roughly 90,000 average purchasers, and then
around Katrina it went down because there was less live bait
camps during that, a whole lot less fishing.

And then it went back up. And then you also see
right here in 2010 the oil spill, very significantly less
fishing due to all the closed waters.

Here's a chart of live bait sales. Once again,
you can see that drop around the time of Hurricane Katrina,
also around 2010 the oil spill. And it shows the number of
shrimp caught and the number of shrimp sold.

This chart shows the dead bait sales, and those
two dips are in there again. And then this line on the bottom
is the squid and chum that they sell which kind of stayed the
same, just under 10,000 pounds.
This chart shows the bait camps we've had since 1996. The most we had before Katrina was about 46. You can see right after Katrina it significantly dropped off. Since then, we've had roughly 15 every year. It also shows the number of vessels.

This year we've had a total of 15 camps inspected and licensed, and I'll go over the names in a second when I show you the locations on them. Out of those 15 camps, there's 16 live bait vessels inspected and licensed and eight live bait transport vehicles.

Starting from the west, we have LaPointe down here on the Pearl River, Louisiana, we have Bay Marina in Bay St. Louis. In Long Beach harbor, we have Tackle Box, and in Gulfport harbor, we have the Tackle Box and Tackle Box II.

Back to the east in D'Iberville, we have Crabby's. And then at the small craft harbor, we have Biloxi Harbor Bait. In the Bay, we have Boardwalk Marina. Port Bayou, there's Whoat and Fort Bayou Live Bait. And in Ocean Springs harbor, there's Marine Mart. In the West River in Gautier, there's Mary Walker. And the East River is Bait Box. And in Bayou Casotte, it is CG's Live Bait.

If you have any questions, I will answer them.

MR. ZIMMERMAN: I know in Pass Christian, I've had a couple of the bait dealers in Hancock County have a question about this. You know, the law states that we want to protect the resource with the tankings, inspections, et cetera. And we all know that there's a place in Pass Christian, Ransome's, that operates live bait.

How is he operating as a live bait camp without a license?

MR. BURGIS: He's a commercial shrimper. He has a commercial shrimp license. He has to adhere to all the laws of commercial shrimpers. So during the season, he can sell live bait without - when the season is closed, he can't sell them without that license.

MR. ZIMMERMAN: And I look at that as kind of circumventing the law. What the commission is burdened with is the protection of the resource. If everybody else is inspecting their tanks and the reason you're inspecting tanks, you don't want somebody catching 100 pounds of shrimp and put it in their tank today and kill them is what I understand.

And to me, that's kind of - and what I'm trying to understand is how is that happening. It's circumventing the law the way I see it.

MR. ROSSG: Maybe to answer, the difference is because he has a commercial license, he's not allowed to come within half a mile of the shoreline. So he's out in areas where normal commercial shrimpers can shrimp. Therefore, he's allowed to catch and keep whatever he chooses.

Whereas, the thing with the live bait shrimpers

is where they work. They're allowed to work in places that commercial shrimpers can't.

And I'm glad to see a good healthy industry, but as the last couple of years the prices of shrimp have increased, so there's going to be a temptation that we need to keep an eye on to make sure that what they catch is going to live bait. The temptation with the prices of the small shrimp are higher now than - Commissioner Gollott can probably attest to - probably higher than they've ever been.

So there's that temptation. So we just need to keep a close eye on it.

MR. BURGIS: Yes, sir.

MR. GOLLOTT: The way I look at it, if the shrimper can get more money for his shrimp, God bless him, you know. I mean, however he wants to sell them.

Thank you, sir.

MR. BURGIS: Thank you.

3. Oyster Season Update

MR. GORDON: Good morning, Mr. Chairman, commissioners, Director Miller, Mr. Runnels.

As Joe Jewell had just showed you basically the same chart going back to FY 1990 up to this year. And it has been a roller coaster ride, ups and downs. Seems like recently we've had more downs than we had ups, but I'm trying to remain optimistic. And from what we saw from some of our sampling earlier this year, I do have some optimism about that.

Commercial oyster license sales, this is looking at FY '04 through FY 14 so going back ten years, they have gone up and down, especially right after Katrina we had no harvest, so there were very little license sales.

And right now the FY 14 or '13-'14 season that we're under currently, we do have a cap that's in place right now on the licenses, and it's capped at the same numbers that we had for the '12-'13 season, last season. So in each of these categories, we are down from that.

I think we may have had some people in the '13 -- the '11 and '12 and '12-'13 that were just speculators that were purchasing licenses.

For this season, and this is as of last week, January 16, there have been over 3,883 trips, 52,606 sacks harvested. That averages out to 13 and a half sacks per trip.

Of that, 2,338 were Mississippi dredge trips with them harvesting 38,081 sacks. That was 16.3 sacks per trip. The nonresident dredging trips was somewhat less, and you can see for the Mississippi trollers and the nonresident trollers, they were slightly higher.

But with the 13.5 sacks per trip for all harvest types, Mississippi dredgers 16.3 sacks per trip averaging. Nonresident dredgers 13.4 sacks per trip. Mississippi troller trips, 7.2, and 10 for the nonresident trollers.
And yes, marine patrol has been checking out

closely, and they've been doing an excellent job on that.

We also hand out harvesters' books and the sealing
tools to the harvesters, and they seem to appreciate that.

This slide shows — I wanted to look at the

catch per unit of effort by the various harvest types. And

trying to figure out the way to compare apples to apples. And

so what I decided to do was just to look at those harvesters

that were limiting out each day.

So with toppers, in the case of toppers, that

would be 12 sacks each day. So I looked at those harvesters

that were catching 12 sacks from the beginning of the season up

until this last week.

And each of these little yellow dots on here,

that represents a trip of one of the boats that limited out.

And this is our trim line here, and actually

it's either level or going slightly up. And that shows that we

are staying pretty stable with it.

This next slide is the dredging sacks per hour.

And again, this is the number of dredgers that were catching

their 20 sacks per day. And I don't know if some of you can

remember early on in the season, there was speculation after

the first couple of days we opened up for dredging, well, maybe

we need to drop the sack limit or whatever. And I said hold

on, you know, wait, we'll be okay with this, it takes a while

to find the oysters. And they certainly did. Early on in the

season, it went up pretty dramatically. And as you can see, it

just kind of tapered off.

Now, these gaps in here, these are closures that

we have had, either due to rainfall or river stage events. And

sometimes the reefs need a break.

I'm sorry it's not showing the bottom of the

slide.

This first slide, these are some samples that we

collected last week. And I tried to pick some of the better

pictures for each one.

This is the Henderson Point reef. That's in

Conditional Area II-B that is open for harvest. And what this

is showing is shells and hash and hook mussels. So you can

see, this is mainly shells and hash, and then you've got the

hook mussels and a lot of seed oysters. These seed oysters,

these calipers here are set out to three inches, so that's the

legal size we've got. There's a couple of market size oysters

in there, but a lot of these oysters are just under the size.

And that's a preview of some of our next year's crop.

This slide is the Pass Christian dredging reef

Area II-F. It's predominantly shell. It's been worked very

hard. And there are seed oysters. And again, that oyster I

think is just shy of three inches, but most of these others are

just shy, as well. And again, that's our next ear's crop.

This slide is of the Pass Marianne cultch plant

Conditional Area II-G that's to the south. And it is showing a

large amount of shell with the seed oysters in there.

This slide is the north Telegraph reef cultch

plant area, Conditional Area II-D. This is mostly shell and

two and a half inch oysters. And those are some of the

prettiest oysters you would like to see, and just about every

one of those is going to be set on limestone. And that's how

we're trying to get these reefs built up. So that's very

encouraging.

And then we have, you know, a lot of shell.

This area has been opened up to harvest, so there's going to be

some spat. In fact, a lot of the fishermen that I spoke to,

they said they were seeing spat out just about everywhere.

This is the Pass Christian tonging reef. And

this is, if you notice, this is a lot different from what

you're seeing on the previous slides. Over here on the left,

these are predominantly market size oysters. And then there's

some shell with seed and spat on there. So this reef is in

very good shape right now. Again, this is the Pass Christian

tonging reef. That's in area Conditional Area II-F.

This is the Hornets reef Conditional Area II-A.

Again, this one is mostly seed. There's a few market size

oysters. And as one of the guys that was out on the boat said,

it looks like this area has been worked. So that wouldn't be

surprising to imagine that some of the boats may have already

gone in there and worked some of this.

This next slide is the St. Joe 2007 cultch

plant. That's in Conditional Area I-B. It's all seed with

some hook mussels in there.

Again, keep in mind, this was in 2007. The

Bonnet Carre Spillway opened in 2011. And it wiped out this

entire area. I think we had we estimated in the neighborhood

of 95 percent mortalities. So this area is coming back from

the cultch material that was already on the ground that we put

out there in 2007.

So it takes some time to build these reefs back

up.

And then this final slide of this series is the

St. Joe. It's Station 21. It's Conditional Area I-B. Again,

this is all seed is what we're seeing. You can see these

clusters of the seed oysters up in here. And then again with

the hook mussels.

This slide is of the Pearl River, what it has

done throughout the season. The yellow triangles on here,

that's the daily statistics looking over a 17 year average. So

that's where the river stage has averaged over the past 17

years. And this blue line here, that is what the river has

been doing this season. So we have had some real highs and,

you know, some of them came down below. But it's typically a
wetter year, which is a good thing to see, because I think
we’ve been coming out of a pretty extended drought.

This ten foot river stage, that is what whenever
the river reaches that level, we will shut down our nearshore
waters, so Areas 1A, 1B, 1D, and even 1B St. Joe area,
that would shut down on ten foot rainfall. And then this
dotted line at the top is the 12 and a half foot stage which
would shut all of our conditionally approved waters down.

Currently as of seven o’clock this morning, the
Pearl River was at just a little over 11 feet. And it crested
yesterday, so I tried to get a boat out sampling this morning.
So after we get a crest if we get a good sample, we can open up
some of these waters that have been closed down previously.

This slide is something that I don’t know if you
can put a whole lot of stock in it. But I know there had been
some concerns about the amount of snowfall that we have had
that we might have to be thinking about for the springtime and
any potential flooding.

It’s still way too early to tell on that. But
what I was able to find was the snow water equivalent. The
lower right-hand corner is what we had for January 15 of this
year. And so then I went back to the same date on 2013, 2012,
and then 2011. 2011, that again is when we had the great
Mississippi River flood of 2011. And you can see the
snowfall that we had on that particular date, it came down
pretty far south. 2012, we had a pretty good dip down. And
2013, we had some snow fall down.

This year, most of that seems to be up around
the Great Lakes region so it’s going to be in the upper reaches
of the Mississippi River.

Again, it’s still too early to tell what their --
and the National Weather Service, they do put out a spring
flood forecast or outlook. They haven’t issued one as yet.
But we are monitoring that situation.

Currently, it doesn’t look like that’s going to
be an issue for us.

So the 2013-2014 limited oyster season
recommendation. Staff’s recommendation is that we close the
2013-2014 Mississippi limited oyster season to harvest by
dredging at 4:00 p.m. Wednesday, January 22, 2014. And we also
recommend that we allow harvest by tonging to continue in Area
II conditionally approved waters only.

And we would continue to monitor that situation.

MR. GOLLOTT: Scotts, the one thing that I was
surprised is when we went out the other day how salty it was
out around Pass Manianne. I mean, you could really taste the
difference in the oysters off of St. Stanislaus and Pass
Marianne. And the amount of oyster drills that we seen out
there in the dredges.

MR. GORDON: We haven’t been seeing that many in
our samples. You do expect to see more out in that area. And
that’s where the fresh water is very important to keep the
predation by the oyster drills down. But we just haven’t seen
significant amounts in our samples. You know, occasionally one
or two.

And that is a concern whenever you do have the
higher salinities that you could have oyster drill
infestations. But right now, you know, that’s not one of my
concerns.

MR. GOLLOTT: Well, and the amount of dead boxes
we found out there, too. It looked like distressed dead boxes
the oysters may be drilled and killed on, like (inaudible) or
something.

The size of the oysters out there were
surprising, too. I mean, they were as big as my hand, about six
inch oysters, just right there on the dredge.

Thank you, Scott.

I still recommend that we keep the dredging
season open for another month and open all the areas to be
harvested. Like I said, if the oysters are small and the
fishermen can’t make a living, they’re going to move to
different areas and catch oysters. And as long as we enforce
the culling laws, I think we are in good shape for next season.

Harold strong which is a local commercial
fisherman, oyster fishermen down there, that’s what he was
recommending. I asked him, I said what do you think about next
year. He said, well, if everything works out we’re going to be
drowning in oysters next year.

So apparently we’ve got a real good spot set and
a lot of small oysters down there.

But dredging oysters this time of the year
doesn’t hurt them to move around because the water is
cold, and the predators don’t get them and they don’t die of
heat. When it’s warmer, you do damage reefs by cultivating
them. I think it helps them this time of the year.

But if anyone wants to make a motion, I’d —

MR. GORDON: If I may, Commissioner Collett,
you had mentioned earlier, you brought up one of the issues
that is a concern of mine, and that is of the use of the basket
dredges or the misuse of the basket dredges.

And I know Harold has personally spoken with me
about that. That’s one of his concerns. And I’ve had
fishermen from the Pass Christian area, many of them, bring
that up.

And with marine patrol, I think usually you and
I will agree that if you have oysters that are being harvested
properly and in a proper manner, and marine patrol is closely
checking the cull which they are doing an excellent job on
that, they’re checking every single boat, then I don’t have any
concerns about there being any damage to the reef.
But I do have to express my concerns on this, 2 that if we — until that issue is addressed — and I have no 3 proof of that. All I'm going by is what the fishermen are 4 telling me, and some of them have in the past pulled basket 5 dredges themselves, that they are convinced that that is 6 causing damage to the reef. It's covering them up and possibly 7 killing some of the small oysters.

So that's where my main concern is, and that's 8 where I would not like to see for dredging to continue on any 9 further than that.

Now, with the inside the mile area or Area II-R 10 and II-H, I think I could concede to your point there for a 11 short amount of time.

MR. GOLLOTT: One of the things we have to 12 realize, you're dealing with people trying to make a living. 13 They're trying to feed their families and everything. So I 14 don't see us penalizing good fishermen for a handful of maybe 15 people that's pulling these dredges, basket dredges.

But we really need to look into that and find 16 out, you know, how can we remedy that situation because it's 17 (inaudible). Like I say, I'd like to see the dredge season 18 stay open for at least another month. I'd like to open off of 19 St. Stanislaus, which the oysters have a lot of mussels on them 20 and a lot of times people don't want oysters with mussels on 21 them. But right now, the oysters are so scarce they could sell 22 just about anything.

MR. GORDON: Yeah. Well, that's a lot of work. 23 They'll beat those mussel off pretty good. I see the 24 fishermen come in that have been working with those, and 25 they're splattered with mud from head to toe.

MR. GOLLOTT: Thank you.

MR. BOSSAGE: I tend to agree with Richard in 28 some respects in that, you know, it's been a hard year on a lot 29 of fishermen which the shrimp spots that's. And although I 30 don't want to see damage done to the reef, I would like to see 31 it extended some, especially for the dredgers and the tongers. 32 I think, like you showed, the reefs are in really good shape.

But it's denied if you do, denied if you don't. 35 MR. GORDON: Well, I've had a few of the 36 commercial fishermen, dredgers, come up to me and tell me that 37 they feel it's over as far as the dredging reefs go. And they 38 would also tell me, if you say I said that I'm going to deny 39 it. I've talked with some of the dealers that are the same 40 way.

And I'm trying to look out for the long term, 41 you know, the long term interest of the crop and the fishermen. 42 And I believe what we have recommended here is — I believe 43 that's the proper recommendation.

But it's up to the commission. But I just 45 wanted to pass on some of the information that I have gotten 46 from some of the fishermen and some of the dealers.

MR. GOLLOTT: You know, we could insert in there 47 that we could give the director the authority to close if he 48 sees something detrimental. But we wouldn't encourage you to keep 49 it open for at least another month until after the next 50 commission meeting where we can come together and look at this 51 thing again.

One of the things that surprised me was the size 52 of the oysters. I like small oysters, eat small oysters 53 myself. And we just didn't find a lot of small oysters on our 54 sampling trip. A lot of big oysters.

But we'll let it go at that.

MR. ZIMMERMAN: You know, when the snow melted, 57 the slide you had put up, and as we see in 2011 when they 58 opened the floodgates, with that slide you're showing it, we 59 got down in the St. Joe reefs down to five percent of takeable 60 oysters that reef.

And with that said, you're trying to say that it 62 looks like they may open the floodgates again?

MR. GORDON: No, sir.

MR. ZIMMERMAN: No?

MR. GORDON: No, sir. If I go back to that 66 slide, this is the 2011. That was the year that opened up. So 67 you can see the snow coming down to the northern part of 68 Louisiana, Alabama, Mississippi, and Georgia.

And this is this year. This was last week.

MR. ZIMMERMAN: I misunderstood.

MR. GORDON: But again, I wanted to caution you 71 that it's still too early to tell.

I feel that what we need to do is figure like 73 it's going to be a normal year. You know, I don't have my 74 crystal ball or it's broken.

MR. BOSSAGE: Scott, I'd like to make a motion 77 that we keep G, D, and M open to all public — and open all 78 public areas south of Pass Marianne, but that we give the 79 executive director the authority to close should he see 80 something truly detrimental but open it for one month until the 81 next meeting, but give the executive director the authority to 82 close it if you see something that you truly think that this 83 needs to stop.

MR. GOLLOTT: What about St. Stanislaus? Is 85 that included in there?

MR. BOSSAGE: Yes.

MR. GOLLOTT: Do I have a second on that motion? 88 MR. ZIMMERMAN: Second.

MR. GORDON: Excuse me. If you're going to open 91 up the inside that has to be a special management season for 92 that, and it would have to have basically a start and stop 93 date. Those areas are currently closed right now.
1. Bureau of Wetlands Permitting
2. a. Richard Jones
3. MR. PICKERING: Good morning. This is an after
4. the fact general permit request by Mr. Richard Jones. DMR
5. Number 130241. The location is an unnamed canal adjacent to
6. Bayou LaCroix at 5066 Utah Street in Bay St. Louis, Hancock,
7. Mississippi. It's in the general use district. And the agent
8. is Ferrill Marine Construction.

1. This is an aerial of Mr. Jones. You've got
2. I-10, 603, Highway 90. This is the Jourdan River and Bayou
3. LaCroix.
4. Here's a zoomed in aerial of Mr. Jones property.
5. On March 4, 2013, a general permit was issued to
6. Mr. Richard Jones for a boat ramp.
7. On December 10, 2013, staff received an
8. application for additional structures to be constructed.
9. On January 6, 2014, a site visit by DMR staff
10. revealed that a pier and bulkhead had been constructed without
11. a permit. Ferrill's Marine was informed of the issues and
12. notified that an after the fact application would be required.
13. Here are some of the structures. Right now he
14. has an unauthorized bulkhead 58 feet long, an unauthorized pier
15. 31 feet by 6 feet, a proposed bulkhead of 39 feet long, and
16. he's proposing a boat house 39 feet by 12 feet.
17. Here's a diagram. This is the boat ramp that
18. was previously permitted. As of right now, he has an
19. unauthorized bulkhead 48 feet long, an unauthorized pier 31
20. feet long by 6 feet, and he's proposing 39 feet of bulkhead and
21. also proposing a 39 foot by 12 foot boat house.
22. This is the pier that was constructed without a
23. permit and also the bulkhead. And you can see flags right
24. there, that's where the rest of the bulkhead is going and the
25. boat house.

The project does not serve a higher public
2 purpose.
3 The proposed project is allowable within the
4 general use district.
5 Similar projects have been approved by the
6 commission, and this is not expected to set any precedent.
7 Bulkhead construction and piling installation
8 may temporarily increase turbidity in the construction area and
9 may result in a temporary decrease in the number of benthic
10 organisms.
11 Best management practices will be utilized
12 during all phases of construction to minimize adverse impacts
13 to coastal wetlands.
14 No offsite alternatives have been considered
15 because this is a private residential lot and the project
16 serves to allow the property owner access to the water.
17 A bulkhead, pier, and boat house do require
18 waterfront location.
19 There are other structures in the area, and this
20 project is not expected to adversely affect the natural scenic
21 qualities.
22 A copy of the application was sent to the
23 Secretary of State and MMDA on December 10, 2013. The Secretary
24 of State says the project is not public trust tidelands.
25 Based upon departmental review and evaluation,
26 it has been determined that the project is consistent with the
27 Mississippi Coastal Program. Staff recommends issuance of the
28 requested permit and a fine in accordance with Mississippi Code
29 49-27-51.

The violation was discovered on January 6, 2014.
30 The duration of the violation is 16 days. Maximum potential
31 fine is $80,000 with a minimum of fifty. Recommended fine is
32 $1,000 fine to be issued to Ferrill's Marine Construction.
33 The DMR has issued a known 135 permits to the
34 contractor in the past, so they are aware of the permitting
35 process. Ferrill's Marine should have known any work besides
36 the previously permitted boat ramp also needed to be permitted.
37 The landowner was not aware the contractor did
38 further work without acquiring a permit from the DMR.
39 And Ms. Ferrill is here, and I believe she
40 wanted to make a statement.
41 MR. GILLOT: Please state your name.
42 MS. FERRILL: Good morning. My name is Linda
43 Ferrill with Ferrill's Marine. I was the agent and contractor
44 for Mr. Jones project.
45 As stated before, we did get permit to do a boat
46 ramp, and which included bulkheading on both sides of the ramp.
47 And also five additional feet on the side going towards that
48 dock.
49 So during the course of the project, the
Homewoner came to us and said he was going to be replacing his deck boards for an existing dock that was already there in that dock was constructed. So we advised him that the pilings underneath were inadequate to put on top of, and so it was agreed upon that we would change out the pilings and construct a new dock. And also it was advisable to bulkhead behind to prevent any erosion.

So we were already mobilized on the site. It was difficult to get into the yard. So we made the business and economic decision to do it while we were there, and so, you know, being aware of the coastal environments, we knew we were not impacting anything. We knew that it would fit within the general guidelines.

So we did construct an extra 40 feet of bulkhead and dock. And we stopped at the end of the dock. So later when he requested to have a boathouse constructed, we included the additional work that we did on the permit application. We’re not trying to hide anything. It’s a line on the permit that says has any work been done, and we checked it off and we stated.

So not being aware that there would be any consequence, especially huge fines for including this. So there was no criminal intent. Everything that we were doing was within the general guidelines so we just ask for mercy and leniency on the fine.

MR. GILLIOTT: Thank you very much.

Do I have a motion on this or any questions?

MR. ROSARGE: And I can understand where you’re coming from, but you also knew that there had to be a permit issued to continue on.

MR. FERRILL: Right. I mean, we did already have the permit. And from past experiences when we modify a permit, it takes 2 to 3 weeks to get that modification done.

We were already there. From a business point of view, it would have meant shutting the crew down, sending them home, waiting because we could not demobilize the equipment. It was very difficult to get into the property.

MR. ROSARGE: I understand. Where we’re at, we have so many that continue so whether it’s right or wrong and then ask for forgiveness later.

MR. FERRILL: Right. And no other thing, there was an existing dock there that was 30 feet. And so we built that dock some footprint basically, but we extended the bulkhead to go behind it.

MR. ROSARGE: If I’m correct, even to repair a dock, don’t you still have to...?

MR. PICKERING: They can replace the decking boards, if they do any piling work, which they did, they have to have a permit.

MR. ROSARGE: That’s fine.

MR. ZIMMERMAN: And I reiterate, this is my second month on the commission and it’s like the fifth one in front of me. People need to get their permits going into these projects, not coming and asking for forgiveness as you said earlier, later.

MR. FERRILL: And it was just that, you know, I know it seems big, but it was just this 40 foot additional, it’s not like we went and cut it into the canal five feet or did anything that would not be permitable.

MR. ROSARGE: I make a motion that we accept the staff’s recommendations and we set the fine at $500.

MR. ZIMMERMAN: Second.

MR. GILLIOTT: All those in favor. Opposed?

Motion passes unanimously.

MR. PICKERING: Thank you.

b. Ronald D. Thorp

MR. DAVIS: Good morning. I’m James Davis.

I’ll be speaking the next item on the agenda.

Before you, we have an after the fact permit request by Ronald Thop. It’s located on the St. Louis Bay at 714 North Beach Boulevard in Bay St. Louis, Hancock County, Mississippi. It’s in the general use district.

Here you can see an overhead of Mr. Thorp’s project location. This is located just north of the Bay-Waveland Yacht Club area north of Highway 90 in the Bay.

You can see, this is Mr. Thorp’s pier and structure right here. Mr. Thorp’s previously permitted structures are an access pier 190 feet by 6 feet, a pier 20 feet by 20 feet, and three mooring pilings. There are three unauthorized structures: the pier that was permitted to be 190 by 6 was constructed to be 179 by 8. Mr. Thorp has reduced that pier’s size down to 179 by 7 to meet our square footage precedent that we have currently for residential structures. A pier 31 by 7, and a pier 11 by 10. And total shading associated with this project is approximately 1980 square feet.

This is a diagram of the project. The areas in red are the out of compliance seeking authorization, and then the areas supposed to be in blue are the previously authorized structures.

Pictures of the area.

Some chronology on the project.

On November 17, 2010, a general permit was issued to Mr. Thorp.

On October 7, 2013, a violation was reported to DMR staff.

On October 9, 2013, a compliance check by staff revealed that additional pier had been constructed without a permit. Mr. Thorp was on site that day, and he was informed of the issues on site and after the fact application process. He mentioned he would be out of town for the next few weeks and...
Mr. Thorp has had previous permits and is aware of the permitting process. The project did require Mr. Thorp to pay for the public notice to run in two separate papers which amounted to $230.64 and for the modifications to his pier to meet our guidelines. Mr. Thorp has been very cooperative throughout the after the fact process.

I would like to also note that the adjacent landowner that sent in a comment was notified of the project being presented before the commission today.

MR. GOLLITT: James, question. What is the maximum width that a pier could be? I was under the impression it was six feet.

MR. DAVIS: For it to be considered an access pier, it is six foot. But as long as there’s no vegetation, it can be as wide as I guess the applicant would want it to be as long as it meets our square footage requirements.

Traditionally, had this pier not been seven feet wide, had it been six, it would have been classified as an access pier, and then these structures here would have fallen under a thousand square feet which would have put this as an after the fact general permit instead of a permit.

MR. GOLLITT: Why would you recommend going so light, $250 fine, when the guy knew he had to have a permit to do the work?

MR. DAVIS: Like I said before, he did have to modify his pier. This pier was constructed to be eight feet in width. He did modify it to be seven foot in width to meet our square footage guidelines which residential structures I believe is 2,016 square feet.

This structure as modified now is at 1980. He did have to modify his pier, and he did have to pay for the public notice to run in two separate papers. So we’re trying to take all of that into account.

MR. GOLLITT: It’s just so many people’s coming with after the fact, you know, apparently the fine is not steep enough to deter that.

MR. DAVIS: And Mr. Thorp is here if y’all have any questions for him.

MR. GOLLITT: State your name, sir, for the record.

MR. THORP: Ron Thorp. Good morning, gentlemen.

And I apologize for taking up your time with seeing so many other important things you are doing.

The pier when I constructed it, I had Pink Marine come in and drive the pilings. And then I have a very strong back, a pickup truck, and a low IQ, and I built the rest of that pier myself.
And the next pier I build, it will be my second.
And I kept looking at other piers to see how they were built so I could build mine equal to it and maybe make it even a little bit stronger.

And when I was building the pier for the walkway going out, I put my runners on the outside of the pier. If you could bring that picture back up showing the pier. And when I did that and I laid down a two by six by eight feet long, it came right over the edge just perfect leaving about three inches on each side.

And that is the reason that I ended up having it eight feet wide because the boards were there, and it looked good, and it worked out fine.

After talking with Mr. Davis here and learning what I was supposed to have done, I should have put the runners on the inside of the pilings, and then the pier would have been six foot wide. So that was due to my ignorance that the pier ended up being eight feet wide versus six, and I did trim it back right to the railings.

The pier, if you can see, does not have water underneath it at the end. And it was strictly built as a social pier, and it was used by my family, friends, and it's been used by the city for various occasions when they've had events.

After having the pier there, I determined that I now know when I built it I could never have a boat in there, and the more I kept looking at it, I came up with the idea that if I had the lower deck, I could put canoes and kayaks and skiffs into the water very easily for the enjoyment of my family, my friends, and neighbors.

And so after Hurricane Isaac, there was a lot of piers destroyed. Mine was not. It was built strong like bolt, and it stayed there.

And while the piling people were drilling in piles to my neighbors, I said come on over, throw in four piles, I'm going to make it where I can make the pier more functional.

Again, ignorance on my part, and that's no excuse. So I stand here before you with a tear, and I'll do whatever I need to do to make it right with you all. And I would invite any one of you if you're in Hancock County by the yacht club to stop in and come out onto my pier to nowhere, enjoy the view, and I'd like to show you what I have done.

MR. COLLOTT: Thank you, sir.
MR. THORP: Thank you.
MR. COLLOTT: Any other questions? Do we have a motion?
MR. ZIMESMAN: I'd like to make a motion that we put the fine at five hundred and allow it.

MR. COLLOTT: Do I have a second?
MR. BOSARGE: Second.
MR. COLLOTT: All those in favor say aye.
Opposed? Motion carries.
H. Office of Finance and Administration
1. FY 14 Monthly Report
MR. FEIDT: Good morning, everyone. Bill Feidt here to present the financial results through the end of December.

On the revenue side, we closed December with four and a half million dollars, the bulk of that coming from -- came from the offroad fuel tax, as well as the general fund appropriation and license sales.

On the expenditure side, we closed out the month at just under three and a half million dollars. Predominantly that was salaries of $2.6 million and contractual services of $600,000.

Any questions on this so far?
I did not include year end projections that I have in previous months. That's because we're in the process of updating it presently, and we want to get that done and give you a first look at that next month.

Mrs. Feidt and I have been talking, and we're optimistic that we closed the gap, cautiously optimistic that we're going to be close to having a good financial position at the end of fiscal year.

-- I know when I built it I could never have a boat in there, and the more I kept looking at it, I came up with the idea that if I had the lower deck, I could put canoes and kayaks and skiffs into the water very easily for the enjoyment of my family, my friends, and neighbors.

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MR. COLLOTT: Thank you, sir.
MR. THORP: Thank you.
MR. COLLOTT: Any other questions? Do we have a motion?
MR. ZIMESMAN: I'd like to make a motion that we put the fine at five hundred and allow it.

MR. BOSARGE: Looks like we're going to be able to pay our bills?
MR. FEIDT: I am cautiously optimistic, but I'll be able to tell you that next month.
MR. BOSARGE: Good deal. Keep up the good work.
MR. COLLOTT: Thank you, Bill.
MR. FEIDT: Thank you.
MR. COLLOTT: Next we have Melissa Scallan, public affairs.
11. Directorate
12. 1. Public Affairs
MS. SCALLAN: Good morning, commissioners, and Director Miller, Mr. Rannels.

We had few events with the holidays and all, we had not as many events.

On December 20, we did have a reinterment ceremony for the remains of 31 French colonial settlers. That burial site is next to the visitors center, just west of the Bilocca Visitors Center down the street. The remains were discovered by USM Professor Dr. Madeleine Denford and her students. It is the second oldest known French colonial burial site in the country, the first being in Massachusetts. So that was a nice -- it was a very well attended event, a nice event.

On January 8, we went to the coast reception in
Jackson and were well represented there. We put Mississippi
seafood stickers on everybody that we could find, and they were
then proudly.

This week as Director Miller mentioned, we're
having Christmas at Darlington Thursday. We invite you to join us
if you can.

One thing I forgot to mention is the mentions
we've had in newspapers, radio stations, and TV stations, 35
times since the last commission meeting. A lot of those had to
do with the ocean reefs opening and closing.

Any questions?

MR. GOLLOTT: Thank you, Melissa.

J. Other Business

MR. GOLLOTT: Next we have other business.

Is Mr. Gilbert Ramsey here?

PERSON IN AUDIENCE: His mother died.

MR. GOLLOTT: Ma'am?

PERSON IN AUDIENCE: His mother died.

MR. GOLLOTT: Oh, okay.

Do we have any other business?

MR. BOSARGE: Yes. I'd like to make a motion
that we go into closed session to consider the necessity of
going into executive session to consider a personnel matter.

MR. GOLLOTT: Do we have a second?

MR. ZIMMERMAN: Second.

MR. GOLLOTT: All those in favor. Opposed?

Passes.

(Off the record.)

MR. LEISER: The commission is in executive
session.

(Off the record.)

MR. GOLLOTT: We're back in session. I'd like
for legal to make a report.

MR. FINCH: Thank you, Mr. Chairman. At
10:35, commission met on the sixth floor conference room.
Present was Vice-Chairman Gollett, Commissioner Bosarge,
Commissioner Zimmerman, Executive Director Miller, ER Director
Christy Wells, and legal counsel.

At that time, there was a discussion on the
necessity to go into executive session to determine — to
consider some personnel matters. Motion to go into executive
session was made by Commissioner Bosarge, seconded by
Commissioner Zimmerman, and passed unanimously.

At 10:36, the commission went into executive
session.

Commissioners at that time discussed two
personnel matters.

At 10:42, the executive director and the HR
director left the room.

At 10:45, the commission made a motion to go
back into open session made by Commissioner Bosarge, seconded
by Commissioner Zimmerman, and passed unanimously.

And the commission returned to open session.

There were no votes taken during the closed
session.

K. Public Comments

MR. GOLLOTT: Okay.

Now we come to public comments. When you come
to the podium, please state your name for the record.

John Sanchez. Is he here?

How about Schwartz?

Clarence Seymour?

Mike Fout?

Richard Gable?

MR. GABLE: Hello. My name is Richard Gable. I
know y'all about tired of seeing me but I'm going to keep
coming until hopefully that things can be done.

But this morning and last several meetings that
I've come in talking with people at the Department of
Marine Resources, they didn't know what a trawl net was or
how it looked like or how it worked. So I made a little sample
that I wanted to bring and show.

MR. ZIMMERMAN: Richard, speak into the mic.

I'm having a hard time hearing.

MR. GABLE: Okay. I made a sample of a trawl net to show and try to explain how it works.

This is a cotton net. It's cotton wall inside
material. The red stuff. The big webbing on the outside is
the walling.

What catches the fish is when it swims through
the big mesh out the backside of the big mesh, it creates a
pocket. That's what holds the fish. The cotton net is what is
actually holding the fish. The diamonds, basically what it
does is it fixes it to where it can create the pocket and it
will hold your float line to your lead line so that it all
works.

It's basically three nets, but what catches the
fish is the inner net. The outer net or the walling would be
12 inches or 14 inches, whichever you can get at the time.

In 2002 or 2003, when they put Taylor Key out
front off the Bay St. Louis bridge, I had a legal tagged
trawl net. It was some of the webbing that come from George
Booth whenever they run out that linen and it caught the
machine on fire, and I made a trawl net out of it because I
knew from '98 Rusty Pittman had told me that they were going to
end up putting me a half mile off the beach.

Buy them doing that, I knew I would have to make
a net that would be able to catch fish in deeper water. So I
decided to build a trawl net.

When I built the trawl net and brought it over

N.J. SOROE, CSR #1297
here, it was tagged. I had a tagged legal trammel net.

Now, what I'm asking is if you have the approved net?

MR. GABLE: Nylon. The walling was nylon

because the walling ain't what caught the fish.

MR. BOGARSE: I don't know if we have the

authority to do - in other words, without going through due

process, I don't think we have the authority to just say yes,

you can use nylon walling. We don't have that authority.

MR. GABLE: Well, that's the part I'm asking.

It was approved back then on the degradable law in '97. In

fact, I had two nets that was tagged. I had back surgery in

98, and I sat up and hand-knitted a net, and I put nylon

wallowing on it, inner net was cotton.

And then whenever they run that linen off, I
done the same thing, too. By that walling not catching the
fish, they tagged the net. I had the tags. I was stopped by
marine patrol. In fact, I had my boat took, my net took, my
fish and everything took. They brought it here, looked at the
net. A day and a half later, George Wright called me back and
told me that they was bringing it back to me. He brought the
net back to me and apologized for taking my net.

MR. BOGARSE: Joe, could you answer some of
these questions, please?

MR. JENWELL: The commission did direct the staff
to come forward and present - make a presentation on the net
material at its earliest convenience.

morning to look into that. Hopefully by next meeting they'll
come with a recommendation or some kind of an explanation so we
3 can help you. We are aware of your plight and sympathize with
you.

MR. ZIMMERMAN: And with that said, make sure
Matt sees that netting that you're asking for and understands
it.

MR. GABLE: I've showed it to Matt. But don't
9 take me as chewing rocks because I'm not. I'm just asking.

I'm kind of a simple minded fellow.

So the netting I got now I can't put the walling
on to use it even though I had one like that in 2002 and
2003. I'm building the same net. In fact, my mallet net, I
14 cut it in half because it was 23 foot deep, entirely too deep a
net to be fishing a bottomwater fish.

So until they decide or do I have to wait until
25 next month before I can fish?

MR. BOGARSE: If I understand you correctly, the
walling on the net that you had approved was from the linen
material from Biloxi Fish Net; correct?

MR. GABLE: The walling, you could never get the
degradable walling back even in '97, it was -- you couldn't get
that big a mesh because they only made a three and a half inch
stretch.

MR. BOGARSE: So what did you have for the
1 walling back when you had the approved net?

MR. GABLE: Nylon. The walling was nylon
3 because the walling ain't what caught the fish.

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MR. BOGARSE: Joe, could you answer some of
these questions, please?

MR. JENWELL: The commission did direct the staff
to come forward and present - make a presentation on the net
material at its earliest convenience.
webbing on the walls, why did they give the net back?

MR. JEWELL: When did this happen, Richard?

MR. GABLE: 2003. And then shortly, shortly after that, when the primary facial (sic) evidence law came in effect of that, I was going to Campbell's inside bayou because of rough weather. I got a ticket for the primary facial (sic) evidence law. That some net was in my boat. I didn't get a ticket for my net. They didn't take my net. I got the ticket for being in an unmarked channel.

Now, my point I'm trying to make is that it wasn't about the net because the net was legal. I just had nylon walling on it because there was no place that made 12 or 14 inch stretch wallings to build a trammel net.

And now I may be reading it wrong, and I may be interpreting the law wrong or Article 22 wrong. But I was reading it where it said that the executive director, he could deem whether his designee, I guess that's the person that signs off on the nets or whatever, could make that decision on what I'm asking.

I'm not asking to change. What I am asking to change to nylon. But until that vote is done, until they come up with that, to fix it to where I can go to work tomorrow or when the wind quits blowing as hard as what it is, to let me put the walling on it like it was in 2002 or 2003, I don't get the dates right, but it was when they were building that reef right off of Taylor reef.

MR. JEWELL: Joe, please step in and correct me if I'm wrong. But my understanding is in 2003 or subsequent date when we was caught inside Campbell's, the rules and regulations that are in place now were in place then. And my understanding is that if we wanted to do a variance of that rule that will entail an EIS process that we will have to go on for a notice of intent, that we can't selectively change the rules or alter the rules until we go through that process. Did I describe that accurately, Joe?

MR. RANZEL: Yes. But I don't think Mr. Gable is asking right now for you to change something. He says he would like for you to change it where on the nylon — I'm assuming he would really like to have monofilament back.

MR. GABLE: No, no, no:

MR. RANZEL: But what he's asking could we look at the regulations as they exist right now and is there a way for him to reconstruct whatever net he had in 2002 or 2003 that had I'm assuming a cotton portion and the wall was made out of nylon, could he reconstruct that net under existing regulations and use it.

I think that's something we're just going to have to sit down and look at the regulation, sit down with enforcement, find out what call they did in 2002, 2003, and let's answer that question for him. And if we can help him, we will. And if it requires a regulation change, then you're exactly correct, Joe, it's going to be a lengthy process and a lengthy process and we'll have to go out on public notice.

And we'll be able to come back to the commission next month and tell them whether or not we need to go through those changes I'm assuming.

But if we look at the regulations now and we consult with enforcement and we determine that he can make a net under existing regulations in the fashion that he is proposing, we ought to tell him that he can do that.

MR. JEWELL: I can see Matt motivating me that yes, marine fisheries staff will work with our legal and marine patrol to evaluate those rules and see what we can do. Okay?

MR. BOSSARD: Mr. Gable, we've got to let the wheels turn as they go as far as the nylon.

MR. GABLE: I know, and I understand that, the way the nylon saying it takes a little while.

MR. BOSSARD: It's going to be a lengthy process. We're trying to work with you.

MR. GABLE: I understand that. But what I'm asking now, now that I bought the thousand dollars worth of cotton, at least let me have it back like it was in 2003 to where at least I can fish.

MR. BOSSARD: I think we're to that point.

Hopefully we can --
Mississippi Sound.

We attended the Hinds County Circuit Court
hearing with standing room only. I have no idea when and how
Judge Singletary will rule on the inadequate rules presented by
MDA. And it is difficult for me to understand how members of
the OWR board and raised on the Gulf Coast do not voice their
opinions against this proposed travesty.

Miller who is probably not a local yokel and he
and Jackson, Mississippi, is telling you and me what to do.
They are calling the shots.

And you on the OWR board are allowing it all to
happen by not saying anything. You need to get out of your
comfort zone and speak up for the environment, for tourism, and
the overall welfare of the citizens of the
Mississippi Gulf Coast.

I wish you all a Happy New Year because you
certainly need it.

MR. GILLOTT: Steve Shepard.
MR. SHEPARD: Yes, thank you for having me. If
possible, I would like to pass out the summary by Dr.
Jeffrey Bounds to each of you. It's a two page easy to
read summary of Dr. Jeffrey Bounds' economic analysis. Can
you do that for me? Okay. If you don't object.

If you don't mind, give this to Mr. Zimmerman.

This is the full report. Mr. Zimmerman represents the
environment. I'd like him to have the full report. And I can
give everyone the full report by Dr. Jeffrey Bounds next month
if you are interested in finding out a person who actually did
an economic analysis of what drilling could do to impact our
economic activity.

In the large report, the 18 page report that Dr.
Bounds wrote, he also mentioned in the back -- I don't really
have a full resume on him -- but Dr. Bounds is a native
Mississippian. I'm under the impression he's from Gulfport.
And he has four degrees from the Massachusetts Institute of
Technology. So he's highly qualified. He has a Ph.D. in
engineering. So he's a highly qualified person.

When we went to the meeting in Jackson, or I
should say the hearing in Jackson, where our lawyer stood up
against the MDA lawyers with Judge Singletary ruling, the issue
that our side presented was that we don't have to drill, that
it is a may situation, that the law actually says not that you
shall drill, but that you may drill while the Mississippi
Development Authority stand there and said we have to drill, we
have to drill no matter what happens because the legislature
authorized that.

So it will be curious to see how the Judge
rules. I have a feeling that he's going to rule, since the law
apparently says, quote, may, and not, quote, shall, that it
really is up to the commission and the Mississippi Development

Authority to take each drilling possibility and examine it and
look at it and say, okay, if we drill right next to Port
Massachusetts and we can off 10,000 tourists a year because
they don't want to go out at the fort and look at this drilling
rig that's sitting a mile away, that is what we're asking for.
We're asking for each case to be considered.

And I'm here hoping that our commission will seriously not
ter rubber stamp anything the Mississippi Development Authority
says they want in the way of drilling because again, if we have
oil rigs sitting within a mile of Horn Island, a mile of Petit
Bois Island, or right off of Port Massachusetts, we're going to
end up with the Dauphin Island situation which is hugely
different than the Gulf Shores situation. Gulf Shores has a
deal where no rig is allowed within 15 miles. And you look at
how tourists flock down there even though they don't have
gambling. I mean, we have gambling, but we also have this
southern beach, and I think it's that combination that brings
people here. And we're hoping we can continue to have that.

And on the other hand, if we really want
drilling in Mississippi waters which in my opinion I think
it's a mistake wherever we put it because I think there's
negative environmental, as well as tourist, impacts, there
still is those blocks sitting near Pascagoula that could be
drilled. I hate to see it myself. I think it's bad. I hate
to see it right near Grand Bay HERR. The Grand Bay HERR is
nowhere near the tourist draw that Ship Island, Horn Island,
Petit Bois Island are.

And so I'm not even saying we're going to have
100 percent elimination of drilling if this commission decides
to when a permit comes up turn down the seismic testing or turn
down the drilling. It could be we will end up with a few rigs
in the Mississippi Sound. I think they'll all be negative, but
in terms of the economic study that Dr. Bounds has done, I
think it's based on people flocking down here to see what we
have and enjoy the beauty.

And I have to admit that if you're -- I don't
think many tourists are going to Pascagoula. I mean, it's
already a fairly ugly place in my opinion. I went to
Pascagoula High School. I'm from Jackson County, you know.
And I got to admit that if you threw a rig out there next to
the Chevron Refinery, it would be hard to tell how much uglier
you made the place. But that is different from Port
Massachusetts, and that's different from off of Horn Island.
So that's all I'm here for is I'm hoping that
the commission will look at each case and look at Dr. Bounds'
study and hopefully decide that we don't need most of the rigs
that the MDA is saying have to be brought here, that there's no
choice, they must be put in. And we must look at each case and
hopefully rule against frankly most of them.

Thank you.
MR. GOLLOTT: Steve, let me make a couple of comments.

Are you aware that not one (inaudible) has applied for? And number two, just because the commission is not jumping up and down don't mean we don't really care. We're in the seafood business, and we understand the impact.

And, you know, we do understand that coming before us to get a permit, we will be able to put stipulations on.

MR. SHEPARD: Well, see, I wouldn't be here if I thought there weren't hope that people care here, just as Maxine's talk earlier. I mean, you're from the coast. We're right in the middle of it, you know.

MR. GOLLOTT: I assure you, I can tell you, I care. And I know the rest of the commissioners do, too. Thank you.

MR. SHEPARD: Thank you.

MR. GOLLOTT: Ms. Lightner.

MS. LIGHTNER: My name is Carol Lightner. And first of all, thank you for letting us be here.

This will be in my own words.

I was shocked in Hinds County on January 6, 2014, when Judge Singletary so much as ordered WLOX Doug Walker out of the courtroom and not allow him to cover the court proceeding. So much for transparency. Business as usual.

Also, in Hinds County, discussion about the seismic explosions for first time is false. As long as 50 years ago, there were seismic explosions on the Gulf Coast.

The three reasons given for -- to drill. Tourism. Fishing. Safety of the oil companies.

BP should be blown out of the water for the -- should be blown the third reason out of the water.

Does our former oil lobbyist Governor Haley Barbour pardon murderers and sex offenders as he hit with the governor's mansion's door, or does our lawn mower gas selling Governor Phil Bryant or Senator Wicker's son-in-law Manny McPhillips, MDA employee, or Jack Moody, MDA program director of the state mineral leasing playing a part in the unnecessary drilling?

And it seems some of the DNR, CDR, MDA and some politicians are in the oil business, real estate business, yacht business, etcetera, instead of the Department of Marine Resource business, like they were hired and elected to do.

 Destruction of the Mississippi Gulf Coast environment will not help in regaining trust and reputation of the DNR. When all is said and done, that's all you have left is your reputation.

Hope you sleep well and have -- with how you have treated the people of the Mississippi Gulf Coast.

MR. GOLLOTT: Thank you, ma'am.

Do we have any more public comments?

If not, this concludes the commission's meeting.

Do I have a motion to adjourn?

MR. BOGARDE: So moved.

MR. ZIMMERMAN: Second.

MR. GOLLOTT: All those in favor. Opposed?

Commission is adjourned.

(Meeting adjourned 11:20 a.m.)