

Commission on Marine Resources

COMMISSION ON MARINE RESOURCES
COMMISSION MEETING

Tuesday, April 21, 2015
9:00 a.m.
Bolton State Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

Richard Gollott, Chairman
Shelby Drummond, Vice Chairman
Steve Bosarge
Ron Harmon
Ernie Zimmerman

Also Present:

Jamie M. Miller, Executive Director DMR
Sandy Chestnut, Esq., Assistant Attorney General

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1 COMMISSIONER GOLLOTT: I call this meeting to
2 order and welcome everybody to our regular meeting.
3 At this time, I would like to ask Jamie Miller
4 to lead us in the Pledge of Allegiance.
5 (Whereupon, the Pledge of Allegiance was
6 recited.)
7 COMMISSIONER GOLLOTT: At this time, we are
8 going to have Oath of Office for Mr. Ron Harmon, our new
9 Commissioner.
10 (Whereupon, the oath was administered.)
11 COMMISSIONER GOLLOTT: At this time, we have to
12 approve the minutes of the last meeting.
13 Do I have a motion to approve those?
14 COMMISSIONER ZIMMERMAN: So moved, Mr. Chairman.
15 COMMISSIONER GOLLOTT: How about a second?
16 COMMISSIONER DRUMMOND: I second the motion, Mr.
17 Chairman.
18 COMMISSIONER GOLLOTT: We have a motion and a
19 second.
20 All those in favor say aye.
21 (All in favor.)
22 COMMISSIONER GOLLOTT: Opposed?
23 (None opposed.)
24 COMMISSIONER GOLLOTT: Motion carries.
25 We would like to approve the agenda, or does

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1 anybody want to modify it?
2 COMMISSIONER ZIMMERMAN: Mr. Chairman, being
3 that we are having an executive session today, I would
4 like to move public comments to D1 and let the people
5 speak before we go into executive session.
6 COMMISSIONER GOLLOTT: Do I have a second?
7 COMMISSIONER DRUMMOND: I second the motion, Mr.
8 Chairman.
9 COMMISSIONER GOLLOTT: We have a motion and a
10 second.
11 All those in favor say aye.
12 (All in favor.)
13 COMMISSIONER GOLLOTT: Opposed?
14 (None opposed.)
15 COMMISSIONER GOLLOTT: Motion carries.
16 At this time, we have the Executive Director's
17 report.
18 JAMIE MILLER: Mr. Chairman, no report for this
19 month.
20 COMMISSIONER GOLLOTT: Now, we move to public
21 comments.
22 Mr. Keith Turner, would you come to the
23 microphone and state your name for the record?
24 KEITH TURNER: Good morning. My name is Keith
25 Turner. I'm an attorney for the Rankin-Hines Flood

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1 Control District.
2 My purpose today is merely just to restate what
3 I think we've tried to send a message to the Commission in
4 the past, that we are currently completing our flood
5 control study and, although you hear a lot of different
6 stories and a lot of misinformation, we ask that y'all
7 wait until you see the draft Environmental Impact
8 Statement before making final decisions about what we are
9 doing in Jackson.
10 Our goal is to provide flood protection for
11 Jackson, but we are also very sensitive in considering the
12 impact of any project that we choose, as it relates to
13 y'all's mission down here on the Mississippi Coast and the
14 Fisheries.
15 All we ask is that y'all wait until that
16 document comes out. It should be sometime in the
17 summertime for draft comments, and, then, we will be able
18 to further address any questions and issues. Thank you.
19 COMMISSIONER GOLLOTT: Thank you.
20 Do we have anybody else who wants to speak on
21 this subject?
22 (No response.)
23 COMMISSIONER GOLLOTT: If not, I'm going to move
24 on.
25 FROM THE FLOOR: (Indicating.)

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1 COMMISSIONER GOLLOTT: Okay, sir. I'm sorry. I
2 knew we had some move people, but I didn't have the
3 particulars here.

4 ANDREW WHITEHURST: My name is Andrew
5 Whitehurst. I'm the Water Policy Director for Gulf
6 Restoration Network, an advocacy group.

7 I have some packets that I want to distribute to
8 the front table, if that's okay (indicating documents).

9 COMMISSIONER GOLLOTT: Give them to Jennifer and
10 she will bring them to us.

11 (Documents handed to Jennifer Leirer by Andrew
12 Whitehurst.)

13 ANDREW WHITEHURST: The Gulf Restoration Network
14 and two other organizations, Audubon Jackson Chapter and
15 The Mississippi Wildlife Federation, supported the
16 nomination of the Pearl River as one of the nation's most
17 endangered rivers. It made the list, and we announced it
18 on Tuesday two weeks ago, April 7th, and this is the front
19 page of the Clarion Ledger with "Pearl River Endangered"
20 in the top above the fold (indicating document).

21 There have been two governmental agencies that
22 have felt strongly enough about opposing a dam on the
23 Pearl River that they have passed resolutions in
24 opposition to it. This Commission is one of those. The
25 St. Tammany Parish Council is the other in Louisiana.

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1 I wanted to commend your resolution and wanted
2 to ask you to stand by it.

3 In your packet, I have given you St. Tammany's
4 resolution, if you open it up on the right, and their
5 engineering comments supporting why that parish is
6 concerned about another dam on the Pearl, the cumulative
7 impacts. I have included the State of Louisiana's
8 Department of Wildlife and Fisheries Scoping comments. I
9 have included the State of Louisiana's Coastal Protection
10 and Restoration Authority's comments. All are in
11 opposition of putting another dam on this river that
12 already has a large dam on it.

13 The last letter in your packet is from the
14 Mississippi River Delta Restoration Coalition which is a
15 group, including National Audubon, The Coalition to
16 Restore the Coast of Louisiana, the Environmental Defense
17 Fund, the Lake Pontchartrain Basin Foundation, the
18 Louisiana Wildlife Federation, The National Wildlife
19 Federation, and the Nature Conservancy. All those were
20 signatories to that letter.

21 On the left side of your packet, you've got an
22 issue summary that looks like this and you've got a
23 picture of the dam project (indicating document).

24 I think your agency opposing this dam is good.
25 It's a great example of an agency discharging its mission

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1 to protect the Coastal Zone. Thank you.

2 COMMISSIONER GOLLOTT: Thank you, sir.

3 Any questions?

4 (No response.)

5 COMMISSIONER GOLLOTT: Mr. Frank Parker.

6 FRANK PARKER: Good morning. My name is Frank
7 Parker and I'm a commercial shrimp fisherman from Biloxi,
8 Mississippi.

9 As you know, a couple of years ago myself and
10 several other fishermen came in front of this Commission
11 and asked for a trip ticket program. This Commission gave
12 us a trip ticket program, but, after several years in
13 effect, it is still stuck in its infancy stage and needs
14 some major improvements.

15 I became aware of these improvements that they
16 need because, last month, I came up here to this office to
17 see how many pounds of shrimp were landed in the State of
18 Mississippi by my vessel, or myself, and I was shocked to
19 find out that I unloaded zero pounds of shrimp in this
20 state, when, in fact, I unloaded over seventy thousand
21 pounds of shrimp.

22 As y'all know, our shrimp industry has been in a
23 major downward spiral over the last couple of decades;
24 manmade and natural disasters, rising coast of fuel.

25 The one thing that we can control is the quality

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1 and reputation of our shrimp. There have been thousands
2 of dollars spent on campaigns promoting local wild caught
3 seafood. The latest was "Every Shrimp has a Tail". Well,
4 in fact, the state can't even tell us where this tail
5 begins because this office can't tell us who, where, when
6 and how these shrimp were even harvested.

7 With that in mind, I feel it is very important
8 for our shrimp industry and for our consumers that this
9 Commission does something about revamping our trip ticket
10 program, and I feel that by accomplishing this, this would
11 be a little step in ensuring a brighter future of our
12 local shrimp industry. Thank you.

13 COMMISSIONER GOLLOTT: Thank you, sir.

14 I feel compelled to make a statement here. I
15 don't know what the problem was, in your case, but the
16 state does come to my place and get all the records every
17 month on every boat that lands shrimp in the State of
18 Mississippi and all of our records.

19 I don't know where the breakdown is, but I'm
20 sure Director Miller will look into it.

21 Now, we have Marine Patrol, Chief Davis.

22 RUSTY PITTMAN: Good morning Mr. Chairman,
23 Commissioners, Director Miller, Ms. Chestnut.

24 Marine Patrol, first, would like to welcome
25 Commissioner Harmon on board. We look forward to working

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3 Any questions?

4 (No response.)

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22 RUSTY PITTMAN: Good morning Mr. Chairman,
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25 Commissioner Harmon on board. We look forward to working

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1 with you. Congratulations.
 2 COMMISSIONER HARMON: Thank you.
 3 RUSTY PITTMAN: For our report this month, there
 4 is one thing I would like to talk about and that is our
 5 oyster violations. As you can see, we had two in
 6 prohibited area, we had two illegal oysters, and, then, we
 7 had the unrefrigerated oysters.
 8 The oysters that were in a prohibited area and
 9 the illegal oysters, those cases came from around the
 10 boardwalk where people were picking them up onshore and
 11 off of the seawall which is a prohibited area, and they
 12 had three to five gallon buckets of these oysters.
 13 We also made some cases this month, too, on the
 14 same thing. So we are having several people out picking
 15 up oysters and they are not knowing that these oysters --
 16 of course, the season is closed, but they are in a bad
 17 area, and they need to leave them alone.
 18 The unrefrigerated citation we made was on a
 19 truck that was coming from Louisiana in route through
 20 Mississippi on Highway 90. The driver was driving
 21 carelessly. He was weaving. Our officers pulled him
 22 over. He had a hundred sacks of oysters in his truck and
 23 no refrigeration unit running at all, and he even made the
 24 statement that he had made twenty-five trips like this
 25 without refrigeration.

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1 I took temperatures of the meat samples. The
 2 oysters went anywhere from seventy-eight to eighty
 3 degrees. At that time, we went ahead and seized all the
 4 sacks and returned them back to the water off the Bay
 5 Bridge in a closed area.
 6 Any questions?
 7 COMMISSIONER BOSARGE: Rusty, do you think maybe
 8 we should put some signs up to let the people know that
 9 that is a restricted area and that no oystering is
 10 allowed?
 11 RUSTY PITTMAN: As a matter of fact, we are
 12 working on that, Commissioner. The Chief and I have been
 13 talking about putting some signs up in different areas,
 14 boat ramps and piers, and we are talking to a person in
 15 Hancock County that did this several years ago for us.
 16 After Katrina, he put up six signs in Hancock County. We
 17 are already working on that.
 18 COMMISSIONER BOSARGE: It's mostly just the
 19 general public that is doing this?
 20 RUSTY PITTMAN: Right.
 21 There will be different regulations on the
 22 signs, boating and also talking about saltwater fishing
 23 license.
 24 COMMISSIONER BOSARGE: Good.
 25 COMMISSIONER DRUMMOND: Do these people have a

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1 license?
 2 RUSTY PITTMAN: The ones with the oysters?
 3 COMMISSIONER DRUMMOND: Yes.
 4 RUSTY PITTMAN: Of course, in a prohibited area,
 5 you don't have to have license, but what they are doing is
 6 taking these oysters off the seawall, and we don't know
 7 what the state of the oysters are, if they could make the
 8 people sick, or whatever.
 9 COMMISSIONER DRUMMOND: So these weren't the
 10 regular oyster fishermen?
 11 RUSTY PITTMAN: Right. It never would have been
 12 open in that area anyway.
 13 If there are no more questions, Chief Davis
 14 would like to come up and talk about the training that we
 15 have had. Thank you.
 16 KEITH DAVIS: Good morning Commissioners.
 17 I do want to point out that the sign that Chief
 18 Pittman is talking about, we do plan to work with our
 19 Public Information Officer on that sign.
 20 We have talked, in previous meetings, about
 21 training that needs to occur in the Marine Patrol
 22 Division, and we created a report for you, but I know it
 23 is kind of confusing to read.
 24 If you have any questions about that report, I
 25 will be happy to answer them.

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1 Marine Patrol is very committed to making sure
 2 that our officers at up to date on training from Officer
 3 Safety to how to deal with the public.
 4 As you can see on this report, all of our
 5 officers have received some type of training, as far as
 6 how to do the job all the way up to customer service.
 7 As you see on the report, we did a training
 8 seminar called "Give Them the Pickle". That training is
 9 committed to customer service and how to treat the public.
 10 The other thing I want to point out is we are
 11 finalizing our emergency preparedness plan.
 12 As you know, Lieutenant Patrick Levine is in
 13 charge of emergency operations. He is the team leader for
 14 the Department of Marine Resources, and we are working
 15 with other departments to make sure that they have the
 16 NIMS training that is required for DMR to receive Federal
 17 funding. I think we are close to completing that process,
 18 as well.
 19 Any questions, regarding training?
 20 COMMISSIONER BOSARGE: On the first page, is
 21 that different levels of training?
 22 KEITH DAVIS: Yes, sir. If you look at the
 23 report, the column to the right side is the different
 24 categories of training that we completed, and underneath
 25 there is the number of hours each officer had in that

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1 particular category.

2 COMMISSIONER ZIMMERMAN: Chief, we are confused
3 on the first page. Across the top you have "100", "100.b"
4 and "200".

5 What does that represent?

6 KEITH DAVIS: I apologize. That is the NIMS
7 training. The "100" and "100.b" doesn't mean anything to
8 you. That is the different modules, under NIMS, that we
9 are required to complete.

10 COMMISSIONER BOSARGE: It looks like a lot of
11 training.

12 KEITH DAVIS: We have done a lot of training, in
13 the first quarter, to get our officers up to where we feel
14 they need to be and it continues.

15 COMMISSIONER BOSARGE: Thank you.

16 COMMISSIONER ZIMMERMAN: Thank you for your
17 effort.

18 KEITH DAVIS: Thank you.

19 COMMISSIONER GOLLOTT: Mr. Joe Jewel with Marine
20 Fisheries is next.

21 JOE JEWELL: Good morning Commissioners.

22 I would like to welcome aboard Mr. Harmon, our
23 new Commissioner. If I can help you in any way, please
24 let me know.

25 COMMISSIONER HARMON: Thank you.

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1 that. The Commission would have to take up a motion and
2 change the trip ticket requirements to become mandatory
3 for the dealers and processors.

4 COMMISSIONER GOLLOTT: Joe, let me ask you a
5 question.

6 JOE JEWELL: Sure.

7 COMMISSIONER GOLLOTT: Isn't it mandatory that
8 the fishermen present a trip ticket?

9 JOE JEWELL: For those that are selling their
10 own catch. If they are selling directly to a dealer
11 processor, the dealer processor is required to report
12 that.

13 COMMISSIONER GOLLOTT: But, if they are selling
14 their own catch, they don't have to?

15 JOE JEWELL: If they are selling it off of the
16 dock, they are required to do that for the reporting
17 program, yes.

18 COMMISSIONER GOLLOTT: We've been presenting the
19 Department with each boat broken down and their catch,
20 what they get for it, and the whole nine yards.

21 JOE JEWELL: Some dealers do, but you are not
22 required to do that. Some dealers meet the minimum
23 requirement, by providing it in bulk.

24 COMMISSIONER GOLLOTT: Do you see a problem with
25 that?

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1 JOE JEWELL: The first thing I would like to
2 address is Mr. Parker's comment about the trip ticket
3 program.

4 As the Commission knows, when we implemented the
5 mandatory requirements for trip ticket reporting that
6 became effective in February of 2012, one of the portions
7 of the requirements was the dealers were not part of the
8 mandatory requirement. So the dealers are in a voluntary
9 system for reporting, and, when they report, they do it in
10 bulk. They don't do it by individual fishermen.

11 Mr. Parker reports to one of those dealers that
12 reports to us in bulk. So there is no way for us to
13 determine.

14 Say, for instance, the dealer says I landed ten
15 thousand pounds in August. Well, Mr. Parker may be part
16 of that landing, but there is no way for us to know that,
17 unless the dealer voluntarily tells us, or itemizes a list
18 of landings.

19 That's the quandary that we're in, when we are
20 unable to report to individual fishermen that are selling
21 to dealers that are part of the voluntary program.

22 COMMISSIONER BOSARGE: Joe, what would it take
23 to change that to get it to where we actually have a full-
24 blown system that works?

25 JOE JEWELL: The Commission would have to act on

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1 JOE JEWELL: Well, as Mr. Parker pointed out, he
2 would have a problem. If he wanted to get a detailed
3 account of what his personal landings were, we would not
4 be able to provide that to him, unless the dealer
5 processor provided that information to us.

6 Right now, they are only required to give it to
7 us in bulk, and that is voluntary. They are not even
8 required to give us any information.

9 COMMISSIONER GOLLOTT: Could you come up with a
10 recommendation, Joe?

11 JOE JEWELL: We could do that.

12 would you like us to come forward at the next
13 meeting?

14 COMMISSIONER BOSARGE: Yes, please, something
15 that would keep a record so everything is counted and
16 everybody knows what they are doing.

17 JOE JEWELL: Sure.

18 First, I would like to comment on a couple of
19 things. I would like to give the Commission the
20 commercial quota update.

21 Red drum, we're at thirty-five thousand one
22 hundred and fifty-two.

23 Spotted seatrout, we're at four thousand three
24 hundred and eighteen.

25 Flounder, we're at six hundred and forty-two.

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1 All of these are posted on our website for the
2 public to have access to.

3 I also want to note that Marine Fisheries has
4 been engaged in some training for our staff. We have
5 Certified Coast Guard boat captains. We have eleven of
6 those, now, on staff, new recipients. We had three
7 existing ones. So we have fourteen Certified Coast Guard
8 boat captains.

9 We also have intensified our sampling on our
10 public oyster reefs and on our artificial reefs and, to
11 that end, we are in the process of certifying eleven scuba
12 dive personnel on our staff that will bring up our current
13 five member scuba dive staff to seventeen. I want to make
14 the Commission aware of that.

15 With that being said, I will go into the main
16 portion of the Marine Fisheries agenda items.

17 First up, is Final Notice of Intent for Title
18 22, Part 7, Charterboat/Headboat Two-Day Possession Limit.

19 The Commission passed the Notice of Intent, on
20 February the 24th, 2015, and, on the same day, we did the
21 filing notice with the Secretary of State on the
22 Administrative Procedures bulletin.

23 The Mississippi Department of Marine Resources
24 gave public notice via our web page, on March the 2nd. Via
25 the Administrative Procedures Act, we gave legal notice to

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1 the public in the Sun Herald publication, on March the 2nd,
2 2015.

3 The public comment period was from February the
4 26th through April the 24th, 2015.

5 That's a misprint. It should be February the
6 26th, 2015, through April the 20th, 2015. The public
7 comment period was a little bit longer than usual because
8 the Commission delayed a week in its action because of
9 Mardi Gras in February, but we received no comments.

10 I'm going to read into the public record a
11 summary of the changes to the title and part.

12 Section 101. Two-day Bag Limit Endorsement.

13 A licensed for-hire vessel may obtain a two-day
14 bag limit endorsement from the Department for a fee of one
15 hundred dollars per year. The endorsement allows the
16 vessel to possess a two-day bag limit whole, or filleted,
17 of spotted seatrout, red drum, and southern flounder,
18 under all of the following conditions:

19 101.01. The endorsement only applies while
20 fishing in Mississippi territorial waters.

21 101.02. The trip must extend beyond twenty-four
22 hours before returning to the mainland.

23 101.03. The harvest must comply with
24 Mississippi's current size limits, regardless of the place
25 of harvest.

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1 101.04. The harvest must comply with
2 Mississippi daily catch limits. This endorsement does not
3 authorize any person to take more than one daily
4 Mississippi bag limit during one calendar day.

5 101.05. The vessel must obtain a float plan
6 from the Department, prior to each rip.

7 101.06. The vessel may possess the two-day
8 catch limit only during its final return to the mainland.
9 During the final return, fishing is prohibited.

10 Section 102. Endorsement of the Float Plan.

11 The vessel operator must file a float plan with
12 the Department during regular office hours, prior to
13 disembarking. A copy of the float plan must be on board
14 the vessel for the duration of the trip. The float plan
15 must be submitted on form provided by the Department and
16 must contain the following:

17 102.01. Name of the applicant.

18 102.02. Owner of the vessel.

19 102.03. Name of the vessel captain.

20 102.04. Official vessel registration number.

21 102.05. Description of the vessel.

22 102.06. Date, time, and location of departure.

23 102.07. Passenger manifest.

24 102.08. Destinations.

25 102.09. Anticipated date, time, and location of

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1 return.

2 102.10. Signature of the applicant and the
3 Department official receiving the plan.

4 Section 103. Captain and Crew Prohibited from
5 Fishing.

6 The vessel's captain and crew are prohibited
7 from keeping a recreational bag limit of spotted seatrout,
8 red drum, or southern flounder, while exercising the
9 endorsement. The presence of the captain and crew does
10 not count towards the vessel's daily possession limit for
11 the species listed above.

12 As you recall, that was the exception the
13 Commission requested that we do, at the time of the Notice
14 of Intent.

15 Section 104. Sunset and Commission Review.

16 This chapter expires one year after the date of
17 adoption. The Commission must review the efficacy of this
18 endorsement and determine whether to extend this chapter,
19 during its regular meeting the month prior to expiration.

20 For this to go forward the Commission would have
21 to have a motion for final adoption of the proposed rule.

22 COMMISSIONER GOLLOTT: Joe, didn't we modify
23 that to say that the captain and the crew could fish; they
24 just couldn't keep the fish?

25 JOE JEWELL: That's right. That's what this is

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1 saying.

2 COMMISSIONER GOLLOTT: Do we have a motion on

3 this?

4 COMMISSIONER ZIMMERMAN: I would like to make a

5 motion to accept it as written.

6 COMMISSIONER GOLLOTT: Do we have a second?

7 COMMISSIONER BOSARGE: I will second the motion.

8 COMMISSIONER GOLLOTT: We have a motion and a

9 second.

10 All those in favor say aye.

11 (All in favor.)

12 COMMISSIONER GOLLOTT: Opposed?

13 (None opposed.)

14 COMMISSIONER GOLLOTT: Motion carries.

15 Joe.

16 JOE JEWELL: Next on the agenda is item F2.

17 As the Commission will recall, at its March

18 Commission meeting, the Commission directed the staff to

19 come forward with a Notice of Intent to address

20 prohibition of basket dredges and changing the maximum

21 oyster dredge weight.

22 We have before you this morning a Notice of

23 Intent. It address just one section of Title 22, Part 1,

24 Chapter 7, Dredge Specifications. I will read the

25 proposed changes into the public record.

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1 Section 100. It shall be unlawful for any

2 person, firm, or corporation to take, or attempt to take,

3 any oysters from the waters under the territorial

4 jurisdiction of the State of Mississippi by the use of a

5 dredge having a weight in excess of -- it currently reads

6 one hundred and forty pounds. We would delete that

7 section and add one hundred and fifteen pounds, and the

8 tooth bar cannot have more than sixteen teeth and the

9 teeth on the tooth bar cannot exceed five inches, unless

10 otherwise permitted by the Mississippi Commission on

11 Marine Resources, or as hereby authorized by the MDMR, its

12 Executive Director, Director of Marine Fisheries, Bureau

13 Director, Program Coordinator, or other MDMR designee.

14 101. No person, firm, or corporation may use

15 more than two such dredges.

16 Next is the new section that we would be adding

17 to Title 22, Part 1.

18 Section 102. It shall be unlawful for any

19 person, firm, or corporation to take, or attempt to take,

20 any oysters from the waters under the territorial

21 jurisdiction of the State of Mississippi by the use of a

22 basket dredge. A basket dredge is a type of oyster dredge

23 also known as a "self-dumping dredge" that utilizes a

24 rigid framed basket, instead of a flexible bag made out of

25 rope, or chain, to retain the harvested oysters.

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1 For this to go forward as a Notice of Intent,

2 the Commission would have to make a motion.

3 COMMISSIONER ZIMMERMAN: I have a question for

4 you, or Kelly.

5 Is there something coming out of the Oyster

6 Council that would address this?

7 JOE JEWELL: I do believe the Oyster Council has

8 addressed this issue, but I think Dr. Lucas can answer

9 that.

10 KELLY LUCAS: Different groups, such as the

11 Aquaculture and Emerging Technologies, have wanted to look

12 at different technologies for dredging. Some of them have

13 suggested looking at experiments that look at the weight,

14 the pounds of the oyster dredge and its effects on the

15 reef and different technology for removing oysters.

16 COMMISSIONER ZIMMERMAN: This won't affect

17 anybody in the State of Mississippi until probably next

18 October.

19 My question is would it be advantageous for us

20 to hold up on this and wait and see what the Oyster

21 Council puts in front of us?

22 KELLY LUCAS: That is y'all's decision, as

23 Commissioners.

24 COMMISSIONER GOLLOTT: Let me interject

25 something here with legal.

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1 If someone came before us and had a special

2 dredge, or something, they wanted to try, can't we issue

3 them an experimental permit for a certain period of time

4 to try the dredge improvements?

5 JOE JEWELL: If they meet the requirements of a

6 scientific permit, the Department, I can issue them a

7 special scientific permit.

8 COMMISSIONER GOLLOTT: Okay.

9 Do we have a motion on this, to take it out for

10 Notice of Intent?

11 COMMISSIONER BOSARGE: I'll make the motion that

12 we take this out for Notice of Intent.

13 COMMISSIONER GOLLOTT: Do we have a second?

14 COMMISSIONER ZIMMERMAN: I'll second it.

15 COMMISSIONER GOLLOTT: We have a motion and a

16 second.

17 All those in favor say aye.

18 (All in favor.)

19 COMMISSIONER GOLLOTT: Opposed?

20 (None opposed.)

21 COMMISSIONER GOLLOTT: Motion carries.

22 JOE JEWELL: Thank you, Commissioners.

23 Our final agenda item is the New State Saltwater

24 Fishing Records. We have two for your consideration. Ms.

25 Emily Satterfield will be doing that presentation.

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1 EMILY SATTERFIELD: Thank you, Joe.
2 Good morning Commissioners, Director Miller, and
3 Ms. Chestnut.

4 As Joe stated, we have two new state saltwater
5 fishing records to be considered this morning. Both of
6 these were conventional tackle.

7 The first one is a Tilefish, *Lopholatilus*
8 *chamaeleonticeps*. The new record is eighteen pounds four
9 point one seven ounces. It was caught by angler, Samuel
10 Sandoz.

11 Here is the fish, and Mr. Sandoz with his fish
12 (indicating photographs).

13 The second consideration this morning is a
14 Lionfish, *Pterois volitans*. The new record is one pound
15 eleven point two ounces, and it was caught by angler,
16 Jason Jones.

17 Here is the beautiful fish, and Mr. Jones with
18 his catch (indicating photographs).

19 COMMISSIONER DRUMMOND: Emily, where was the
20 Tilefish caught?

21 Was it in Mississippi water?

22 EMILY SATTERFIELD: No, sir. It was landed in
23 Mississippi.

24 COMMISSIONER GOLLOTT: Do we have a motion to
25 approve these records?

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1 COMMISSIONER DRUMMOND: I make a motion we
2 approve these new saltwater fishing records for the State
3 of Mississippi.

4 COMMISSIONER GOLLOTT: Do we have a second?

5 COMMISSIONER BOSARGE: I'll second the motion.

6 COMMISSIONER GOLLOTT: The motion has been made
7 and seconded.

8 All those in favor say aye.

9 (All in favor.)

10 COMMISSIONER GOLLOTT: Opposed?

11 (None opposed.)

12 COMMISSIONER GOLLOTT: Motion carries.

13 COMMISSIONER BOSARGE: The Lionfish being an
14 invasive species, I'm kind of glad to see it. I guess we
15 need some folks targeting those fish.

16 JOE JEWELL: Commissioner Drummond, the answer
17 to your question is the Tilefish was caught about fifty
18 miles almost due south of here near the Ram Powell.

19 The Lionfish, there are pros and cons to it, but
20 certainly one of the pros is that, by acknowledging it,
21 fishermen may target the species and reduce its
22 population.

23 COMMISSIONER BOSARGE: Yes. We need to put a
24 bounty on them.

25 JOE JEWELL: We have an invasive species program

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1 in place to try and reduce their numbers.

2 Are there any questions?

3 COMMISSIONER DRUMMOND: The Lionfish was caught
4 with fishing tackle, right?

5 JOE JEWELL: Conventional tackle, correct.

6 COMMISSIONER DRUMMOND: I assume that was in
7 state waters?

8 JOE JEWELL: No. That was not caught in state
9 waters. It was landed in state waters.

10 Any other questions?

11 COMMISSIONER GOLLOTT: Thank you very much, Joe.

12 JOE JEWELL: Thank you.

13 COMMISSIONER GOLLOTT: Next we have Coastal
14 Resource Management, Mr. Jan Boyd.

15 JAN BOYD: Good morning Mr. Chairman,
16 Commissioners, Director Miller, and Ms. Chestnut.

17 I would also like to say welcome aboard to
18 Commissioner Harmon.

19 Coastal has one action item for your
20 consideration this morning, and Chris Pickering will be
21 presenting that.

22 CHRIS PICKERING: Good morning. We have a
23 request for an after-the-fact general permit by Michele
24 McLindon, DMR Number 120316. It is located on an unnamed
25 canal adjacent to Mallini Bayou at 105 Baywood Drive in

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1 Pass Christian, Harrison County, Mississippi. It is in
2 the General Use District, and the agent is Coastal Marine
3 Construction, Incorporated.

4 The site was permitted for a boathouse thirty-
5 feet-by-fourteen-feet and a bulkhead fifty feet long.

6 Currently existing there is an uncovered boat
7 lift twelve-by-twelve, and a pier thirty-feet-by-four-
8 feet.

9 what the new applicant is proposing is two more
10 piers; one thirty-feet-by-four-feet and a pier twenty-one-
11 feet-by-four-feet.

12 Here's an aerial. As you can see, here is
13 Highway 90 going over the Bay of St. Louis and I-10, and
14 the yellow thumbtack is the current location.

15 Here's a zoomed-in aerial. This is the
16 structure. This pier is actually over land. So all they
17 have is the thirty-by-four-foot pier and the twelve-by-
18 twelve boat lift.

19 As you can see, we took some measurements across
20 the width of the waterway from different areas, and this
21 landowner here has actually given authorization for the
22 new structures and existing structure (indicating aerial).

23 Here's a picture of what is existing.

24 Here's the previous permit. There was an
25 existing dock there already that was thirty-feet-by-four-

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1 feet, and they proposed a boathouse thirty-feet-by-
2 fourteen-feet, and that was permitted, along with the
3 fifty foot bulkhead (indicating drawing).

4 This is what is proposed, now, with the existing
5 structures, the thirty-by-four-foot pier, and they are
6 proposing another thirty-by-four-foot pier, the twelve-by-
7 twelve boat lift, and the twenty-one-by-four-foot pier
8 (indicating drawing).

9 On April 27th, 2012, DMR issued a General Permit
10 to the previous landowner for a bulkhead and boathouse to
11 be constructed parallel to the shoreline.

12 On February 23rd, 2015, DMR received an
13 application in the new owner's name for the agent,
14 proposing two piers.

15 On March 3rd, 2015, a site visit was conducted by
16 DMR staff. It was revealed that the existing structures
17 were constructed out of compliance with the previous
18 permit.

19 On March 16th, 2015, the agent was notified that
20 the existing structures were out of compliance with the
21 previous landowner's permit and that an after-the-fact
22 permit application would be required.

23 The staff of the Department of Marine Resources
24 has conducted a thorough evaluation of the situation.
25 Because the constructed structures meet the General Permit

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1 Guidelines, staff recommends that the Commission approve
2 the applicant's request, with no fine issued to the
3 current property owner because she did not own the
4 property when the violation occurred.

5 A suspended fine is recommended to be issued to
6 the contractor, in accordance with Mississippi Code 49-27-
7 51.

8 The violation was discovered on March 3rd, 2015.
9 The violation duration is forty-six days. The maximum
10 potential fine is twenty-three thousand dollars. Our
11 recommended fine is a fine issued to the contractor, in
12 the amount of five hundred dollars, which shall be
13 suspended contingent on no new violations within two years
14 of the Commission's ruling.

15 These are our decision factors. The applicant
16 recently purchased the property. The structures were
17 constructed while the previous landowner owned the
18 property. The applicant has been very cooperative
19 throughout the after-the-fact permitting process. The
20 contractor has no previous violations. The contractor is
21 always cooperative and notifies the DMR of any problems,
22 or concerns. The contractor decreased the square footage
23 from five hundred and forty square feet which was
24 permitted in 2012 to what is currently existing, one
25 hundred and twenty square feet.

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1 Any questions?

2 (No response.)

3 COMMISSIONER GOLLOTT: Do we have a motion on
4 this?

5 COMMISSIONER BOSARGE: I make a motion that we
6 accept the staff's recommendations and also the
7 recommended fine of five hundred dollars, with no new
8 violations for two years.

9 COMMISSIONER GOLLOTT: Do we have a second?

10 COMMISSIONER ZIMMERMAN: Second.

11 CHRIS PICKERING: You understand the five
12 hundred dollar fine will be suspended?

13 COMMISSIONER BOSARGE: Yes. I'm sorry.

14 The five hundred dollar fine will be suspended.

15 COMMISSIONER GOLLOTT: Motion has been made and
16 we have a second.

17 All those in favor say aye.

18 (All in favor.)

19 COMMISSIONER GOLLOTT: Opposed?

20 (None opposed.)

21 COMMISSIONER GOLLOTT: Motion carries.

22 CHRIS PICKERING: Thank you.

23 COMMISSIONER GOLLOTT: Thank you, Chris.

24 Next, Mr. Bill, Finance.

25 BILL FEIDT: Good morning everyone.

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1 I will take us through the agency financial
2 results, as of the end of March.

3 At the end of March, we had State revenue of
4 five point three million dollars. We still have some
5 challenges with MAGIC.

6 The total Agency revenue is twenty-one point
7 eight million dollars.

8 State net income is negative two point three
9 million dollars. That is due to the revenue shortfall due
10 to MAGIC, as well as we have been spending cash on hand
11 for special funds such as artificial reef, GOMESA, seafood
12 marketing, et cetera. I expect we will carry a negative
13 balance through the end of the year, but we have
14 sufficient cash on hand to manage that.

15 Total Agency net income is one point seven
16 million dollars.

17 Any questions?

18 COMMISSIONER GOLLOTT: Are we solvent?

19 BILL FEIDT: We are doing very well. Total cash
20 on hand for the Agency is about forty-two million dollars.
21 So we are in pretty good shape, right now.

22 From a budget standpoint, after nine months, we
23 are in good shape. From the operating side, we have
24 forty-three percent of the budget remaining. On the
25 Tidelands Trust Fund, we have forty-five percent of the

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1 budget remaining.
 2 You will notice, under Contractual Services, we
 3 are running a little short on the operating side. We are
 4 down to thirteen percent remaining, but because we are a
 5 lump sum agency, we can move money between categories
 6 pretty easily. If we do run out, we will probably move
 7 money from one of the line items where we are in good
 8 shape.
 9 Any questions?
 10 (No response.)
 11 COMMISSIONER GOLLOTT: Thank you, Bill.
 12 BILL FEIDT: Thank you.
 13 COMMISSIONER GOLLOTT: Now, we come to Ms.
 14 Melissa.
 15 MELISSA SCALLAN: Good morning Commissioners,
 16 Director Miller, and Ms. Chestnut.
 17 We also want to welcome our new Commissioner,
 18 Ron Harmon. If you need anything from our office, please
 19 let us know.
 20 COMMISSIONER HARMON: Thank you.
 21 MELISSA SCALLAN: Since the last CMR meeting,
 22 the Agency has been mentioned forty-one times in local,
 23 state, and national media. Items of particular interest
 24 included red snapper and the new rules regarding red
 25 snapper, and the arrest of an Alabama man for illegally

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1 harvesting sponge crabs.
 2 I also wanted to point out that we have
 3 increased our footprint with social media. Our newest
 4 employee, Amber Jones, has done a great job with that. We
 5 are on Facebook and Twitter and Instagram and Utube. So
 6 we are getting a lot of notice out in the community for
 7 the things that we are doing in the Agency. Amber is
 8 doing a great job with that.
 9 Most recently, we participated in Celebrate the
 10 Gulf which was April 11th in Pass Christian, in conjunction
 11 with Art in the Pass. Pretty much the whole agency
 12 participated. We had employees from Fisheries, Seafood
 13 Technology, Coastal Resources Management, Public Affairs,
 14 and Marine Patrol.
 15 Jennifer Buchanan, Education Coordinator at the
 16 Grand Bay NERR, did an excellent job of coordinating the
 17 event and making adjustments because of the anticipated
 18 rain, and it was a great day for everybody.
 19 Marine Patrol held two boat-and-water-safety
 20 classes in March and certified fourteen students. So far
 21 this year, Marine Patrol has conducted thirteen classes
 22 and certified a hundred and twenty-four students.
 23 Officers also participated in several special events in
 24 March; Thunderbirds Air Show, Battle on the Bayou, boat-
 25 and-water-safety presentations, and career days at local

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1 schools.
 2 We did have a boat at the Crawfish Festival on
 3 Saturday, and that is very popular with the children.
 4 They like to get on that. Marine Patrol did a great job.
 5 Jeff Payne was there. We are going to be there this
 6 Saturday, also.
 7 We are also preparing for several events. One
 8 of these is our State of the Coast conference which will
 9 be held May 12th and 13th, at the Golden Nugget in Biloxi.
 10 The Office of Restoration and Resiliency is planning the
 11 conference, with help from other departments. It will
 12 feature presentations by several DMR employees. We will
 13 have the whole Agency represented there. We will have
 14 State and Federal officials. We will have a presentation
 15 by the Oyster Council, an update on that. We are looking
 16 forward to that and we hope you can join us.
 17 Any questions?
 18 (No response.)
 19 COMMISSIONER GOLLOTT: Thank you, Melissa.
 20 MELISSA SCALLAN: Thanks.
 21 COMMISSIONER GOLLOTT: Next, we come to other
 22 business, and I understand that legal is requesting us to
 23 go into executive session.
 24 Do we have a motion?
 25 COMMISSIONER ZIMMERMAN: Mr. Chairman, I would

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1 like to make a motion that we go into closed session to
 2 determine the need to go into executive session to discuss
 3 pending litigation.
 4 COMMISSIONER GOLLOTT: Do we have a second?
 5 COMMISSIONER DRUMMOND: I'll second the motion,
 6 Mr. Chairman.
 7 COMMISSIONER GOLLOTT: We have a motion and a
 8 second.
 9 All those in favor say aye.
 10 (All in favor.)
 11 COMMISSIONER GOLLOTT: Opposed?
 12 (None opposed.)
 13 COMMISSIONER GOLLOTT: The motion carries.
 14 JAMIE MILLER: Mr. Chairman, before we break, we
 15 had one more announcement that we wanted Marine Patrol to
 16 be able to share with us.
 17 Chief Pittman, go ahead.
 18 RUSTY PITTMAN: Thank you.
 19 This month was the Coast Crime Stoppers
 20 breakfast where they have the local municipalities, six
 21 coastal counties, and the state agencies submit an officer
 22 to receive the Crime Stopper Officer of the Year award.
 23 We submitted Lieutenant Patrick Levine for his work in
 24 Winston County, in Louisville, Mississippi, after the
 25 tornado in 2014.

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1 Lieutenant Levine was chosen, through Rupert
 2 Lacy with Harrison County, as the representative for the
 3 whole State of Mississippi to be the incident commander
 4 and take over the first ten days in Winston County.
 5 He and Officer Sapet immediately went up the day
 6 that he was chosen to go and set up the incident command,
 7 and Lieutenant Levine ran that for ten days, allowing the
 8 county and the city to start recovery efforts.
 9 We submitted his name from the state agencies,
 10 and we are proud to say that he was chosen out of all the
 11 state agencies to receive that award.
 12 I would like to introduce Lieutenant Patrick
 13 Levine.
 14 COMMISSIONER GOLLOTT: Patrick, would you like
 15 to say something?
 16 PATRICK LEVINE: No, sir.
 17 COMMISSIONER ZIMMERMAN: I would like to say I
 18 had the luxury of being alongside. A group of guys from
 19 Bay St. Louis went up and fed all the emergency people for
 20 the first seven days, and y'all did do a great job. Thank
 21 you.
 22 PATRICK LEVINE: Thank you, sir.
 23 COMMISSIONER GOLLOTT: We will go into closed
 24 session, now.
 25 (Whereupon, a short recess was taken.)

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1 COMMISSIONER GOLLOTT: We are back on the
 2 record, and Ms. Chestnut has an announcement.
 3 SANDY CHESTNUT: At 9:50, a motion was made by
 4 Commissioner Zimmerman to go into closed session to
 5 discuss the need for executive session to discuss pending
 6 litigation. The motion was seconded by Commissioner
 7 Drummond.
 8 Commissioners present in this were Richard
 9 Gollott, Shelby Drummond, Steve Bosarge, Ernie Zimmerman,
 10 Ron Harmon, and legal counsel Sandy Chestnut and Sean
 11 Morrison. Also present was Jamie Miller.
 12 At 9:56, a motion was made by Commissioner
 13 Bosarge to go into executive session to discuss pending
 14 litigation, and the motion was seconded by Commissioner
 15 Zimmerman.
 16 Legal counsel started to discuss one matter of
 17 pending litigation and Commissioner Zimmerman recused
 18 himself based on a potential conflict of interest. Once
 19 that matter was concluded, Commissioner Zimmerman came
 20 back in the room, and another second matter was discussed.
 21 There were no motions made, during the executive
 22 session, and, at 10:15, a motion was made by Commissioner
 23 Drummond to end the executive session. That motion was
 24 seconded by Commissioner Zimmerman. That ends the report.
 25 COMMISSIONER GOLLOTT: Do we have any other

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1 business to come before the commission?
 2 (No response.)
 3 COMMISSIONER GOLLOTT: With no other business, I
 4 would like to ask for a motion to adjourn.
 5 COMMISSIONER DRUMMOND: I make that motion, Mr.
 6 Chairman.
 7 COMMISSIONER GOLLOTT: Do we have a second?
 8 COMMISSIONER ZIMMERMAN: Second.
 9 COMMISSIONER GOLLOTT: We have a motion and a
 10 second.
 11 All those in favor say aye.
 12 (All in favor.)
 13 COMMISSIONER GOLLOTT: Opposed?
 14 (None opposed.)
 15 COMMISSIONER GOLLOTT: Adjourned.
 16 (Whereupon, at 10:21 o'clock, a.m., the April
 17 21, 2015, meeting of the Commission on Marine Resources
 18 was concluded.)
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1 C E R T I F I C A T E
 2
 3 I, Lucille Morgan, Certified Shorthand Reporter, do
 4 hereby certify that the above and foregoing is a true and
 5 correct transcript of the April 21, 2015, meeting of the
 6 Commission on Marine Resources, as taken by me at the time
 7 and place heretofore stated in the aforementioned matter
 8 in shorthand, with electronic verification, and later
 9 reduced to typewritten form to the best of my skill and
 10 ability; and, further, that I am not a relative, employee,
 11 or agent, of any of the parties thereto, nor financially
 12 interested in the cause.
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