Do we have any modifications?
(NO RESPONSE.)

COMMISSIONER GOLLOTT: With no modifications, do we have a motion?

COMMISSIONER ZIMMERMAN: Motion to accept the agenda.

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

COMMISSIONER BOSARGE: I'll second it.

COMMISSIONER GOLLOTT: All those in favor?

(ALL IN FAVOR.)

COMMISSIONER GOLLOTT: Opposed?

(NONE OPPOSED.)

COMMISSIONER GOLLOTT: Motion carries.

Next, we have the Executive Director’s report.

JAMIE MILLER: Mr. Chairman, I have no report, other than mentioning there are cases that Counselor Chestnut will go through.

SANDY CHESTNUT: The first case we have are the matters of Tommy O’Brien, 013114-1, Matthew Glenn, 013114-2, Justin Bounds, 013114-3, and Robert Braun, 013114-4, and the charge is possession of red snapper during closed season.

On January 31st, 2014, a compliance check of commercial fishing vessel was conducted in Krebs Lake.

Four Red Snapper were discovered on top of the ice in the center-forward fish box.

Mr. O’Brien advised that they had just unloaded the day’s catch at Clark’s Seafood and he didn’t know the red snapper were still on the boat.

Mr. Glenn stated that he had forgotten to unload the red snapper at Clark’s Seafood.

Enforcement Action Reports for possession of red snapper during closed season were issued to all passengers on board.

Mr. O’Brien submitted a written response, dated March 4th, 2014, basically, saying that it was dark and that he forgot to unload the fish.

Mr. Braun submitted a written response, dated September 2nd, 2014.

Mr. Braun, I think, is here and may want to address the Commission about his response.

If you want to go ahead and come forward, sir.

ROBERT BRAUN: Yes, ma’am.

As I stated in my written response, I was invited to go on a fishing trip on a commercial charter boat, fishing boat. I had never been on one. I was told before the trip, that I could not keep any fish, that I could only catch fish which was okay with me because I didn’t want red snapper anyway.
in the audience that would like to address the Commission?

FROM THE FLOOR: (Indicating).

SANDY CHESTNUT: Come forward and state your name, please.

MATT GLENN: I'm Matt Glenn, and I hate to take the blame for everything because, you know, we did have some other people on the boat, but was in charge of unloading the fish.

After Tom told me not to put any fish in the front hold, I had already caught four fish, threw them in the front hold, of course, and, then, I gutted all of the fish in the back, as Tom weighed them, and Bobby and Justin sat on the back.

Really, what I'm saying is that it is pretty much a hundred percent my fault. I wasn't keeping the snapper out of date, or anything like that. I don't eat snapper. I just go with Tom to help him out, and I forgot to unload them. Thank you.

COMMISSIONER BOSARGE: EXCUSE ME, MATT. Mr. Chairman, may I ask a question?

COMMISSIONER GLOLLOTT: Sure.

COMMISSIONER BOSARGE: Just so we are all clear, in other words, you went on a Federally-permitted vessel, called in ahead of time, went out and caught the fish, called in, reported your catch, unloaded it at a specific dealer.

I guess, my point is you had four fish aboard the vessel that you weren't supposed to have, but you actually did everything you were supposed to do that allowed you to catch those fish. So what are we dealing with is either --

MATT GLENN: (Interposing) This is really a hundred percent what happened. The four fish that were in the front were the four biggest fish that we had. At the plant that we unload at, Clark's Seafood, they like smaller fish. So we put the four fish in the front to throw in the bottom of the vat, and, then, threw all of the smaller fish on top so he won't dock Tom's pay, and I forgot to get them out. It's my fault because I was in charge of unloading the boat and I didn't do it.

COMMISSIONER BOSARGE: I just wanted to make sure that everybody understood that you didn't actually leave the dock to go catch illegal red snapper. You were legally catching red snapper.

MATT GLENN: Yes, sir.

COMMISSIONER GLOLLOTT: I'm unsure. What is illegal here?

COMMISSIONER BOSARGE: Because they were in possession of the fish. In other words, a commercial vessel is not allowed to keep any fish. When they went
and unloaded, they had to unload every fish. When they left the unloading dock and were headed back to their dock, they were still in possession of four red snapper which is illegal. You are not allowed to have fish in your possession. In other words, you can’t keep any fish. You have to bring them in and sell all of them.

MATT GLENN: We dropped them off, and I forgot to unload them myself. I don’t think Bobby Braun, or Tom O’Brien, or Justin Boudin, should be paying for what I have done.

SANDY CHESTNUT: Thank you.

Is there anyone else, on this case, that is here that would like to address the Commission?

(No response.)

SANDY CHESTNUT: Seeing none, based on the documentation that was contained in the file, the Executive Director found that the allegations had merit and recommended that the Commission impose administrative penalty against Mr. O’Brien and Mr. Glenn in the amount of one thousand dollars each and an administrative penalty against Mr. Boudin and Mr. Braun in the amount of fifty hundred dollars each.

All the supporting documentation, including photographs of the fish, have been provided to each member of the Commission.

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conference with the Executive Director, and that took
place on August the 13th, 2014.
Based upon the documentation in the file and the
violer’s responses, the Executive Director found
that the allegations have merit and recommended that the
Commission impose administrative penalties against Mr.
Williams in the amount of five hundred dollars.
All supporting documentation has been provided
to the Commission, Mr. Williams is here, and the
Commission may accept, reject, or modify, the Executive
Director’s recommendation, upon motion.
Mr. Williams, you may come and address the
Commission, if you would like.
ARCHIE WILLIAMS: Good morning and thank you for
hearing from me.
I didn’t come this morning to give an excuse,
but to offer a reason. I am at fault and was fishing, I
understand, out of season, and I do apologize for that to
the State and to everyone.
The reason for that -- I will just ask you to
consider this -- is because I was at fault, when I didn’t
investigate the season extension, how long they had
allowed an extension onto the State waters, from what I
learned afterwards, the fact.
I didn’t investigate what that meant to me and

Fishing. I was guilty. I just didn’t understand. I did
do not fishing, knowing that the season was closed, and
that’s just what I will ask you to consider. I am a
fisherman and a hunter mostly for a long time, and I do
not violate the law knowingly and willfully.
I just ask you to consider that, when you
determine my penalties for the violation.
COMMISSIONER GOLLOTT: Thank you, sir.
COMMISSIONER ZIMMERMAN: Mr. Williams, I have a
question.
You signed a statement saying that you caught
the four snapper.
Is that correct?
ARCHIE WILLIAMS: Yes, sir.
COMMISSIONER ZIMMERMAN: And, then, I’m looking
at another one from Mr. Poole saying that he caught the
four snapper.
Y’all both signed a statement saying that you
did something that, evidently, couldn’t have happened and
be a true statement.
What is up with that?
ARCHIE WILLIAMS: I can’t explain that. I don’t
know who caught the four snapper. We were both aboard the
boat. I know that I caught some snapper, and I know that
he caught some snapper, but which snapper was caught, I’m

Sorry. I don’t know.
COMMISSIONER ZIMMERMAN: That’s just something
that I saw that I questioned. It looked like both of you
admitted to the same four snapper, and I just questioned
that.
COMMISSIONER DRUMMOND: Which one of you wants
to pay the five hundred dollars?
ARCHIE WILLIAMS: I will take that
responsibility because I was in error. I should have
checked and I didn’t. I will assume that responsibility.
COMMISSIONER GOLLOTT: Thank you, sir. We
appreciate it.
Do we have a motion on this?
COMMISSIONER BOSARGE: I have a question.
Was it your vessel?
ARCHIE WILLIAMS: No, sir.
COMMISSIONER BOSARGE: It was Mr. Poole’s
vessel?
ARCHIE WILLIAMS: Yes, sir. I was a guest.
SANDY CHESTNUT: If I could just clarify for
commissioner Zimmerman. Typically, when the officers go
out and there are several people on a boat, they go ahead
and charge them all the same offense.
COMMISSIONER ZIMMERMAN: I can accept that, but
I have a statement from both of them taking

responsibility. Somebody is telling a fib here somewhere.
They both signed a voluntary statement taking
responsibility, and I have to find out who is responsible.
That’s why I’m questioning that.
SANDY CHESTNUT: Just to explain why they were
both charged.
JAMIE MILLER: Counselor Chestnut, can we get
some counsel from our Marine patrol about what statements
were given and what they were?
SANDY CHESTNUT: Certainly.
JAMIE MILLER: I know this was a question
Commissioner Zimmerman had brought up previously about the
statements that each of these gentlemen had given.
Clearly, in our packet, we got a statement from
Mr. Poole, stating that he caught the four red snapper,
but I don’t see that same statement in our packet. I just
want to make sure, before the Commission acts, that we are
given all the consideration to the circumstances.
SANDY CHESTNUT: I believe Officer Southern was
involved in this case and he is here.
Do you want to come forward, Rocky?
ROCKY SOUTHERN: Yes.
COMMISSIONER ZIMMERMAN: Did both fishermen, in
fact, sign a voluntary statement?
ROCKY SOUTHERN: No, sir, not that I recall. It
was just the owner of the vessel, the master of the vessel, when we were doing our boarding, he was the one that signed a voluntary statement.

COMMISSIONER ZIMMERMAN: Mr. Poole did?

ROCKY SOUTHERN: Mr. Poole, yes, sir, as I recall.

COMMISSIONER ZIMMERMAN: If this man admitted to it, I have a hard time pressing charges on Mr. Williams for the same offense, and that's my whole point of this. I don't have any more questions.

COMMISSIONER GOLLOTT: What about a motion?

ROCKY SOUTHERN: May I make a recommendation?

COMMISSIONER GOLLOTT: Yes, sir.

ROCKY SOUTHERN: Just split the fine between the two gentlemen.

COMMISSIONER ZIMMERMAN: Split the five hundred dollars?

ROCKY SOUTHERN: Yes, sir, two fifty each.

COMMISSIONER ZIMMERMAN: I feel that is acceptable. I would like to make a motion that we hold the five hundred dollar fine between the two as charged.

SANDY CHESTNUT: Since Mr. Poole is not here, we can't technically take his up, but you can go ahead and assess the fine against Mr. Williams, since he is here.

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COMMISSIONER ZIMMERMAN: Mr. Williams, please come up. Would it be okay with you if we release Mr. Poole from these charges and fine you the five hundred dollars and y'all split it?

SANDY CHESTNUT: Mr. Zimmerman, we can take Mr. Poole up at the November meeting.

COMMISSIONER ZIMMERMAN: And release him?

SANDY CHESTNUT: Well, you can do whatever you want to with it in November. Just do the two cases separately.

COMMISSIONER DRUMMOND: So we can only charge Mr. Williams two hundred and fifty dollars?

COMMISSIONER ZIMMERMAN: Right.

SANDY CHESTNUT: You can charge whatever you want. You can only charge Mr. Williams today and it can be any amount that you feel is fair.

COMMISSIONER ZIMMERMAN: I will make a motion, if I could, to charge Mr. Williams a two hundred and fifty dollar fine.

SANDY CHESTNUT: Yes.

COMMISSIONER GOLLOTT: Can I have a second?

COMMISSIONER BOSARGE: Mr. Williams, I understand you didn't intentionally do that, but, in a way, the gentleman right prior to you didn't intentionally do that either, and, in an effort to be fair, I feel that you should have the same fine as he did. You were both, basically, ticketed for doing the same thing, possession of snapper in closed season.

I'm sorry, but I would make a secondary motion that we fine Mr. Williams the five hundred dollars for having possession of red snapper in closed season.

ARCHIE WILLIAMS: Could I say something else, please?

COMMISSIONER BOSARGE: Yes, sir.

ARCHIE WILLIAMS: I would like for you just to consider it was one day after the season closed.

You were talking in reference to me about Mr. O'Brien, or were you referring to me about the gentleman that was just a guest on his boat?

COMMISSIONER BOSARGE: I was referencing Mr. O'Brien and Mr. Glenn.

ARCHIE WILLIAMS: I was more or less just like the other gentleman in the blue shirt that was only a guest. That's where my position was on this vessel, the same as he was on that vessel.

COMMISSIONER BOSARGE: You've got a valid point.

COMMISSIONER GOLLOTT: We've got a motion on the floor that we have to deal with, first, Ernie's motion. Do we have a second on the motion to fine him two hundred and fifty dollars, Mr. Williams?

(No response.)

COMMISSIONER GOLLOTT: Without a second, that motion dies.

Let me say this. You do realize this will affect you, if you get caught again on a second offense. I mean, this is not dead today. In other words, you are looking at a second, or third, offense if this compounds it.

With that, do we have a second on Mr. Bosarge's motion for a five hundred dollar fine?

COMMISSIONER DRUMMOND: I second the motion, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion and it has been seconded.

All those in favor?

(Commissioner Bosarge, Commissioner Drummond, Commissioner Gollott in favor.)

COMMISSIONER GOLLOTT: Opposed?

(Commissioner Zimmerman opposed.)

COMMISSIONER GOLLOTT: Motion carries.

I would like to recognize Michael Watson, Senator Michael Watson. He just came in. Thank you for being here, sir.

MICHAEL WATSON: Thank y'all for being here.
COMMISSIONER GOLLOTT: Marine Patrol.

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

You will notice, on our report this month, we started tracking another item, fiscal year 15 and fiscal year 14 to date.

For example, the very first one, shrimp violations, shrimp in closed water, we've got three. From July to September of last year, we had ten violations for shrimp violations. This year, from July to September, we had ten. That's the way it is going to read all the way through, tracking last year with this year, year to date and within the month.

Crab violations, we had a total of seven this month.

Live bait violations, we had one that we caught before legal time.

We had one no seafood dealer's license.

We had a total of forty-four fishing violations.

We had a total of forty boat and water safety violations.

As you can tell, fiscal year 15, this year, we've already have, from July, a hundred and ninety-six, compared to last year at this time with ninety-three. We are still having problems with boat and water safety.

RUSTY PITTMAN: It was closed, at that time.

COMMISSIONER DRUMMOND: What about cobia?

RUSTY PITTMAN: Illegal possession of cobia. They were undersized cobia.

COMMISSIONER DRUMMOND: Thank you, Rusty.

RUSTY PITTMAN: Yes, sir.

COMMISSIONER GOLLOTT: Chief Davis.

KEITH DAVIS: Good morning Mr. Chairman, Director, other Commissioners, and Counselor.

I would like to say good morning to my friend, Michael Watson, and Senator Wiggins for being here as well.

We wanted to give you an overview of our JEA final report for the year. It is important because the report is very complimentary of the Marine Patrol for 2013.

The coordinator, Brian Mattingly -- I hope I'm pronouncing that correctly -- personally called and discussed our report, and from a percentage perspective, Mississippi is leading the southeastern district.

He is happy about our professional cases that were submitted in 2013 and the ideas that we have communicated to him on what we are going to do in the future.

As I said, comparing us to the entire region that he oversees, percentagewise, we are leading the pack.

This is a graph that he sent us and, as you can see, Mississippi is third to Louisiana and Texas (indicating slide).

In the next slide, you will see an email that he sent out describing the percentages and the fact that we have fewer officers and our officers, compared to the area that we are responsible for, we had more activity than the two states that are in front of us, from a percentage perspective. That statement is sent from him, in an email, to our JEA coordinator.

It is important to maintain the JEA program, mainly because of the funding that NOAA gives us. It allows us to offset our cost to patrol the State waters and help us out with our yearly budget, and I'm sure our two senators here present today will appreciate that.

It also means continued strong partnership with our Federal partners in adjacent states, in helping us target and protect our marine resources.

Our future plans for larger patrols. Currently, we are working with Louisiana, Alabama, Florida, and Texas is considering joining us, but we are going to lead a large JEA patrol and, after the first one is completed, obviously, we are going to take a look at consolidating our efforts with these other states to do these larger...
we are joined together, I think it will send a message and
we will not have to write as many citations, while still
protecting the fisheries that we all appreciate in the
Gulf of Mexico.

I think, by doing that and continuously doing
it, we create this atmosphere that our cost to the State
of Mississippi will go down because we are utilizing
Alabama, Louisiana, Texas and Florida, and everyone knows
that we have that Federal funding behind us, as well as
NOAA, saying, if you go out there and violate these laws,
more than likely you are going to get caught because all
of those states are working together, talking to each
other more.

If you do something in Louisiana and get away
with it, the likelihood of you landing that fish back in
Mississippi is greater because they are working together.

COMMISSIONER BOSARGE: That's good.
You talked about the vessels you currently have, the
vessels you feel you need to complete the task with
the boats you have, now?

KEITH DAVIS: We have some work to do on our
vessel fleet. Working with the Executive Director, I
think we can get there and I think we can get there cost
effectively.

COMMISSIONER BOSARGE: The reason I asked the
question is because, being from a fisheries background and
years and years of Federal fisheries management which is
what your JEA's are, NOAA really has never had an
enforcement division so they do the JEA's and you guys act
as their enforcement division.

I'm glad to see that you take your job seriously
because, like you said, you don't really necessarily have
to be there and write citations, as much as just be there,
be seen, be out there in the area, and most people will
take that for granted and abide by the rules. I'm glad to
see you are there and intend to be a little more involved.

KEITH DAVIS: Yes, sir. We certainly, in a
perfect world, wish we didn't have to write a ticket, but
there are cases where we do have to write tickets to get
people's attention, and that's what we are.

If there are no other questions about JEA, I did
want to make the Commission aware that, obviously, this
week we went back under the Personnel Board and the Marine
Patrol was no different from the rest of the agency where
we made some personnel changes, and I do want to recognize
nine people who are being promoted, in the ranks of Marine
Patrol.

For Senior Master Sergeant, William Freeman, Jr.,
is being promoted, Richard T. May is being promoted, Scott
Chatham is being promoted, Matthew Kasovich is being

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promoted, and Jeffrey Payne, and these gentlemen certainly
deserve the promotions that they have received.

To the rank of Lieutenant, Bryce Gex is being
promoted and Jack Ewing is being promoted.

To the rank of Captain, Kyle Wilkerson is going
to be the Patrol Commander and Christopher Caldwell is
going to be in charge of investigations.

Investigation, as you know, is a new division
that we have created that I think is so vitally necessary
for the mission as we go forward.

I would like for you to join me in
congratulating these individuals on their accomplishments
in their careers.

(Appause).

KEITH DAVIS: We will be doing a pinning
ceremony. The director and I are working together to come
up with a date on that, and you will get an invitation to
come and join them as they are pinned with their new
ranks.

Thank you.

COMMISSIONER GOLLOTT: Thank you, Chief. We
appreciate it.

Now, Joe Jewell.

JOE JEWELL: Good Morning Commissioners,
Director Miller, and Sandy.

I would also like to welcome Senator Watson and
Senator Wiggins. It is always a pleasure to have our
elected officials here.

BRICE WIGGINS: I don’t know. Some would say
it’s not a pleasure to have us here.

JOE JEWELL: Well, Brice, it’s always a pleasure
to have you here.

First up, we have a couple of regulatory actions
for your consideration.

Title 22 Part 2. The CMR passed the Notice of
Intent, on August the 19th. The legal notice appeared in
the Sun Herald, on September the 24th. Public notice
appeared, on the CMR webpage, on September the 24th. Public
comment period was September the 16th through October the
20th. That was a total of thirty-five days. There were no
public comments received.

Outline of the major changes. Statement was
added, in Chapter 5 Section 106, making it unlawful for
any person to drag or pull a trawl, or try net, under
the water, with the bag tied, or untied, in any area of
the territorial waters of the State of Mississippi which
are closed to shrimping.

"Further, it shall be unlawful for any person,
firm, or corporation, to drag or pull double or multiple
rigs under the water with bags tied, or untied, in any area of
the territorial waters of the State of Mississippi
which are to the use of double rigs, or in waters
which are to the use of that size, type, or number,
of rigs."

I will need a motion to adopt the final draft.

COMMISSIONER BOSARGE: So moved.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER ZIMMERMAN: Second.

COMMISSIONER GOLLOTT: Any discussion?

(No response.)

COMMISSIONER GOLLOTT: All those in favor say
aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(Non opposed.)

COMMISSIONER GOLLOTT: The motion carries.

JOE JEWELL: Thank you.
The second regulatory action for your
consideration is Title 22 Part 9, Mandatory Red Snapper
Reporting Program.

The CMR passed the Notice of Intent, on
September the 16th, 2014. The legal notice appeared in the
Sun Herald, on September the 25th, 2014. The public notice
appeared, on the CMR webpage, on September the 25th, 2014.
The public comment period was from September the 16th
to October the 20th, 2014, for a total of thirty-five days.
No public comments were received.

Outline of the major changes. Statements were
added, in Part 9 in Chapter 11 Section 100, providing
provisions for reporting requirements, making it mandatory
for the owner, or captain, of any vessel recreationally
harvesting red snapper to complete a harvest report.

I will read into the public record those
changes, as they will appear in the title.

Chapter 11, Section 100.

"Persons engaged in recreational fishing in
waters under the jurisdiction of the CMR, or landing fish
in Mississippi, shall be required to furnish information,
including a harvest report, pertaining such fishing, to an
information confidentiality officer. The owner, or
captain, of any vessel recreationally harvesting red
snapper is hereby required to complete a harvest report by
the CMR."

October 21, 2014
Section 101.
"Charter boat, or head boat, captains operating in Mississippi waters shall be required to complete questionnaires furnished by the MDMR for each trip. Completed questionnaires shall be furnished to an information confidentiality officer upon request."

Motion to adopt the final changes to Title 22 Part 9.

COMMISSIONER GOLLOTT: Do I have a motion?
COMMISSIONER ZIMMERMAN: I make a motion to adopt the final changes to Title 22 Part 9.
COMMISSIONER GOLLOTT: We have a motion.
Do we have a second?
COMMISSIONER BOSARGE: I'll second it.
COMMISSIONER GOLLOTT: Any more discussion?
(NO RESPONSE.)
COMMISSIONER GOLLOTT: All those in favor say AYE.
(ALL IN FAVOR.)

COMMISSIONER GOLLOTT: Opposed?

COMMISSIONER GOLLOTT: Motion carries.

JOE JEWELL: Thank you, Commissioners.

Next on the agenda is an update by Mr. Bill Richardson on our Hydrological Monitoring Program.

BILL RICHARDSON: Good morning Commissioners, Director Miller, Ms. Chestnut.
I'm going to give you just a quick update on our joint effort, with the United States Geological Survey and DMR, on our hydrological Monitoring Program.

It is a joint agreement that began in 1998.
This provides valuable real-time hydrological data which is updated every fifteen minutes. We've got salinity, gate height which is roughly tide, turbidity, and water temperature throughout the Mississippi Sound.

It is a useful tool for management of marine fisheries and it also is a useful tool for recreational and commercial fishermen, or just people interested in the weather and the water out in the Mississippi Sound.

It can be easily accessed through our website. This is just an example. I believe it's at Point Cadet, the mechanics of one of these things. It's got an antenna, obviously a data logger, and a sensor that's in the water (indicating slide).

This is where you can go on our website, and we have just added -- if you go to the map of the DMR/USGS sites, you will come up with this map, and you can click on any one of these sites, and it will take you directly to the information (indicating slide).

Currently, we have eleven sites that DMR and USGS manage. There are three other sites that are of use to people here on the coast. These are paid for through other agencies (indicating slide).

This is an example of the information you can get off of there. You can get it in graph form, you can get it in number form, and you can get historical data. You can go back as long as they have been running and get information. Like I say, you've got salinity there, turbidity, and things of that nature (indicating slide).

We just recently added a site to Graveline at the boat ramp there, just right here in August (indicating slide).

Do y'all have any questions about the sites?

COMMISSIONER BOSARGE: How long have we been doing this?

BILL RICHARDSON: Since '98 for DMR.
If you go to USGS, they have sites throughout the country. They monitor all our rivers and streams.

COMMISSIONER BOSARGE: Are all of them within Mississippi State waters?

The reason I asked is that tower looks familiar and it's about nine miles offshore, the one by Ship Island.

BILL RICHARDSON: The one by Ship Island is right off the end of East Ship Island. Then you will notice there is one right out in the Biloxi marsh. That's not one of our sites. All of our sites are in State water.

COMMISSIONER BOSARGE: Thanks.

COMMISSIONER GOLLOTT: Thank you, Bill.

Appreciate it.

BILL RICHARDSON: Thank you.

JOE JEWELL: For your final consideration today --

COMMISSIONER GOLLOTT: (Interposing) Joe, can I ask you to do something?

JOE JEWELL: Sure.

COMMISSIONER GOLLOTT: I'm very proud of the meeting we had.

Would you give us a report on the oysters, or do you want to do it at a different time?

JOE JEWELL: I'm sorry, Commissioners. There are a couple of things I meant to mention to y'all. I usually give y'all the quota updates. I apologize for that.

Of course, the red drum and spotted seatrout I reported to you last month have closed.

Flounder, the quota is seventy-four thousand pounds. We are at, right now, just over twelve thousand pounds, leaving sixty-one thousand pounds remaining.
I did want to mention we are projecting a lower than average oyster season this year, actually a very poor oyster season, and I do want to note the Commission has been very active, very proactive actually, in trying to seek out ways to remediate the poor season.

I do want to note that, on September the 25th, the entire Commission met with scientists at Gulf Coast Research Lab and held an oyster workshop where they discussed oyster management, recruitment, mortality, and over harvesting, among other things, to gain information to try and work with the ORN and GCRSL to find better ways to manage our oyster resources.

Then, again, on October the 3rd, Commissioner Guillot and ORN staff and Executive Director Miller met with our FDA Regional Specialist John Veazey to discuss ways to improve area classification and explore ways to potentially open more areas to shellfish harvesting.

I do, also, want to note that last week Gulf States Marine Fisheries Commission met here on the Gulf Coast in Biloxi, and the Technical Coordinating Committee recommended that the Oyster Subcommittee convene and compile information, rules and regulations for the Gulf states that would consist of how the Gulf states could transport oyster larvae and spats across state lines.

Then, the actual Commissioners met themselves and discussed ways that they could seek grants to support perhaps a couple of what are called mega hatcheries where they could support the state’s low production on their natural reefs.

I do want to note that the Commission has been very proactive in seeking out ways to augment the projected low harvest for this year’s oyster season, and we appreciate that.

Commissioner Guillot: Thank you, sir.

Joe Jewell: The final presentation is State records.

With conventional tackle, we had one State record. The new State record is Longspine Porgy, Stenotomus Caprinus. The angler is Steven Frye. The new record is fourteen point seven-two ounces.

Here is a photograph of the fish. This is a photograph of the angler (indicating slides).

Motion to adopt?

Commissioner Bogarde: Motion to adopt.

Commissioner Drummond: I will second that.

Commissioner Guillot: All those in favor? (All in favor.)

Commissioner Guillot: All opposed?

None opposed.

Commissioner Guillot: Motion carries.
more protection, and it will last a little longer. Then, we might hit the jackpot. I doubt it, but we just don’t know. Unless you guys still want to go with the eight sacks, seven sacks are fine with me, but that’s the only thing I would change about it, and, then, open the season tomorrow. I would like to do that, but I know we can’t. Whenever you say it’s open, fine, and with the seven sack limit is the only thing I’m saying. Thank you for letting me speak.

COMMISSIONER GOLLOTT: Thank you, George.

JOE JEWELL: If there are no other questions, that concludes Marine Fisheries.

COMMISSIONER GOLLOTT: Thank you, Joe.

Coastal Resource Management, Mr. Jan Boyd.

JAN BOYD: Good morning Mr. Chairman, Commissioners, Director Miller, Ms. Chestnut, Senator Wiggins and Senator Watson. Coastal has two agenda items for your consideration this morning, and Jennifer Wittmann will be our first presenter.

JENNIFER WITTMANN: Good morning.

The first item on our agenda today, is a request for permit by the Harrison County Board of Supervisors, located on Mallini Bayou in Pass Christian. This is in a General Use District, and Covington Civil and

Environmental is the agent.

The applicant is seeking authorization to repair and enhance two existing jetties, install a low-profile bulkhead, and dredge twenty-five hundred cubic yards of material from the mouth of Mallini Bayou.

The project location is indicated by the yellow thumb tack. You can see Highway 90 and West Bayview (indicating slide).

The applicant is seeking authorization to maintenance dredge an existing channel eight hundred and thirty feet in length and twenty-five feet in width, from an existing average depth of two and a half feet below mean low water, to a proposed depth of five feet below mean low water. There will be no more than twenty-five hundred cubic feet yards of material removed.

They are also seeking authorization for one hundred and ten feet of low-profile bulkhead to protect the emergent vegetation, a twenty foot extension of an existing jetty to the north, and one hundred and twenty-five feet of jetty to the south.

The applicant is also requesting a variance to Chapter 8, Section 2, Par III.0.1 of the Mississippi Coastal Program which states that vertical face structures shall be aligned no further seaward than mean high tide. This will be for the construction of a low-profile
bulkhead in front of emergent vegetation.

This picture shows the existing south jetty.
It's a very dilapidated wooden structure, at this time, and this will be the north jetty. This is the emergent vegetation that will be protected by the low-profile bulkhead (indicating slides).
This is an overall project picture. You can see the channel. It is eight hundred and thirty feet in length and twenty-five feet in width. The south jetty will just to the north of the dilapidated wooden jetty, and, then, there will be a twenty-foot extension of the existing northern jetty (indicating slide).
This zooms in on the area. The low-profile bulkhead will go just waterward of the existing emergent vegetation (indicating slide).
This is a cross section of the jetty profile. This is the sheet pile for the low-profile bulkhead, and the dredging (indicating slide).
The project serves a higher public purpose by restoring safe navigational depths and providing public access to and use of the waterways.
The project is allowable within the General Use District.
The applicant has requested a variance to Chapter 8, Section 2, Part III.D.1 of the Mississippi Islands Program and justified that under Chapter 8, Section 2, Part I.E.2.c.4 which states that the activity requires a waterfront location, there is significant public benefit in the activity, and a public hearing has been held.
Maintenance dredging, jetties for the protection of navigation channels, and flow-through, or low-profile, bulkhead for the protection of emergent vegetation have been approved by the Commission in the past and this is not expected to set a precedent.
There are no shellfish, or FAB's, found in the area. There will be a temporary increase in turbidity during dredging; however, it should not exceed the DEQ water quality guidelines. There will be a loss of benthic organisms.
The construction of a low-profile bulkhead will protect emergent vegetation from impacts induced by increased boat traffic and the dredging operations.
The construction of the jetty will serve to protect the newly dredged channel from shoaling.
The proposed low-profile bulkhead is intended to protect the adjacent marsh vegetation from the indirect impacts, due to the proposed dredging and increased boat traffic. The applicant will be required to monitor the area, following completion of the dredging and

construction of the bulkhead and mitigate for any indirect impacts to emergent vegetation.
The repair and enhancement of the existing southern jetty will not extend any further westward than the existing wooden jetty. The jetties will serve to protect the newly dredged channel from shoaling.
The applicant explored several options. The first was taking no action. The second was dredging the channel without the installation of the bulkhead and leaving a ten-foot buffer between the marsh vegetation and the dredging. The third was dredging the channel and removing, or relocating, the marsh vegetation.
All these options were rejected because of impacts to the marsh vegetation and not being able to reach the project goals.
Had they left the ten-foot buffer between the marsh vegetation and the dredging activities, it only would have allowed for a nine-foot wide navigation channel which would not have served the purpose to allow boat traffic.
Best management practices will be utilized, during all phases of construction.
There were no alternative sites considered.
The maintenance dredging of channels and construction of jetties does require a waterfront location.
The project will not change the location of the navigation channels.
The southern jetty will not extend any further than the existing wooden jetty and should not have an affect on the natural scenic qualities.
Notification of the project appeared in the Sun Herald, as required. There were no public comments.
A public hearing was held on October 6th. There were no public comments received.
DEQ is currently reviewing the project.
Wildlife, Fisheries, and Parks has recommended best management practices.
Archives and history has no objection.
The Secretary of State's office has stated that a tidelands lease will be required.
Based on departmental review and evaluation, it has been determined that the project is consistent with the Mississippi Coastal Program because it has a higher public benefit by restoring navigational depths and providing public access to and use of the waterways.
Therefore, staff recommends approval of the applicant's variance request and approval of the project.
I'm happy to answer any questions, and Ben Bonvemutti with Covington is here, if you have any
Next up, we have a violation and a request for after-the-fact exclusion for Peter and Rochelle Johnson, File Number 140039. The location is on Bernard Bayou at 2614 Cypress Lane in Gulfport, Harrison County. It's in the General Use District and the agent is Stephen James Drennen.

You can see here, the aerial. It's on Bernard Bayou there close to Pass Road and Cowan Lorraine Road (indicating slide).

Here's a zoomed-in area. That yellow Chumback is Johnson's property and just above that is their structure. That's the old structure actually (indicating slide).

They were permitted for a pier and a boathouse that totaled nine hundred and ninety-three square feet. Currently existing, they have piers and a boathouse that total one thousand forty-nine point two nine square feet. Here is what they were permitted for before.

The adjacent landowner did sign off on this, authorizing them to be within ten feet of the property line for this structure they were permitted for, but they are currently not in compliance with her authorization (indicating slide).

There is the current structure they have now. There is a point on there where we drew a line twenty-five feet out. We know that point did not move because they built that pier in the same footprint it was before. So, from that point out, they were permitted to go twenty-five feet out from there, within ten feet of the property line (indicating slide).

Currently, from that same point, they extend thirty-three point two five feet out. So they built an extra eight point two five feet within ten feet of their property line.

There is the current structure and another picture from the water. As you can see her boat, she is getting in and out of there, but she says it is difficult (indicating slide).

On October 9th, 2011, a General Permit was issued to Peter and Rochelle Johnson for piers and a boathouse that totaled nine hundred and ninety-three square feet.

On May 26th, 2014, an anonymous report was made that the structures were out of compliance with the issued GP.

On May 27th, 2014, a compliance check by DMR staff revealed that the structure was constructed out of compliance. The structure totaled one thousand one hundred and twelve square feet. Staff informed Mrs. Johnson of the violation.

On June 10th, 2014, the applicant and agent
informed staff that they would like to bring the boathouse into compliance with the GP guidelines. They were informed an after-the-fact application would be needed, since the final footprint of the structures would not match the issued GP. The agent was advised not to do any more work until the Commission approved the project, but he said he had to get his barge out of there so he went forward with it.

On June 30th, 2014, staff received an application for after-the-fact authorization of a boathouse totaling nine hundred and sixty-eight-point nine square feet. On July 22nd, 2014, a site visit revealed a pier was not included on the new application. The structure was authorized in the Coastal Program Agencies and the adjacent property owners for comments. The project does not serve a higher public purpose.

The project is allowable within the General Use District. Allowing the applicant to retain the unauthorized portion of the boathouse within ten feet of the property line would set a precedent.

The boathouse has already been constructed, but removal of the unauthorized portion may temporarily increase turbidity in the construction area and may result in a temporary decrease in the number of benthic organisms.

Retaining the portion of the boathouse that is within ten feet of the property line and is not authorized could affect the adjacent landowner's ability to dock their boat.

Removal of the unauthorized portion of the boathouse located within ten feet of the property line would allow the adjacent landowner more room to dock their boat.

No off-site alternatives have been considered because this is a private residential lot and the project serves to allow the property owner access to the water.

There are other structures in the area and this project is not expected to adversely affect the natural scenic qualities.

It was sent out on public notice to the Sun Herald, on August 24th, August 31st, and September 7th, 2014.

One comment from an adjacent landowner was received, concerning the applicant proposing a boat pier and not a boathouse, the length of the pier exceeding the original drawing and making their ability to dock their boat on the adjacent pier difficult, and the plans not including a fifteen-foot high roof.

This is actually the diagram that she signed off on. As you can see, it does show a roof. It just doesn't show the height, but, as long as they are below twenty-five feet above mean high tide, then, they are in compliance with us (indicating slide).

She was also concerned about a locked gate that does not allow them to view, or converse, with the neighbors.

As you can see, the drawing also shows -- that green line right there -- that it had a gate on it and it was labeled up at the top (indicating slide).

Staff has conducted a thorough evaluation of the situation and recommends that the Commission approve the applicant's request for after-the-fact authorization, with the following condition:

The portion of the boathouse waterward of the footprint that received approval by the adjacent property owner be modified such that a minimum distance of ten feet be maintained between the authorized structure and the projection of the adjacent property line into the waterway, unless the adjacent landowner gives approval within thirty days, in which case the pier may be retained as constructed.

Staff also recommends that a fine be issued to the agent, in accordance with Mississippi Code 49-27-51. The violation was discovered on May 27th, 2014, and the violation duration was thirty-five days and that was the point when we received the after-the-fact application.

The maximum potential fine is seventeen thousand five hundred dollars, and our recommended fine is to be issued to Stephen James Drennen in the amount of four thousand dollars, with two thousand dollars suspended, contingent upon no new violations being committed in any jurisdiction for a period of two years and payment of two thousand dollars within forty-five days of the Commission's decision, or the matter will be forwarded to the Attorney General's office for further enforcement action.

The agent constructed the structures, while the applicant was out of the country on business, but the applicant has been very cooperative throughout the after-the-fact permitting process.

The applicant is here, and I believe the agent is here, also, but I don't believe the neighbor could make it today.

Is Ms. Brady here?
FROM THE FLOOR: She is out of town.

COMMISSIONER GOLLOTT: Does somebody want to speak on this?

FROM THE FLOOR: I would like to speak.

COMMISSIONER GOLLOTT: Yes, sir.

PETER JOHNSON: Peter Johnson. I'm the owner of the pier/dock.

Just a few days ago, I had a discussion with the adjoining landowners, the Bradys, and we are still in discussions to come to a possible agreement of this within the thirty-day period. I'm quite sure that we can.

COMMISSIONER GOLLOTT: Anyone else?

(No response.)

COMMISSIONER GOLLOTT: What I would like to do is table this until next month and see if we can get these neighbors to agree on it so we will know what is going on.

I'll make a motion that we table this until next month.

Do we have a second?

WILLA BRANTLEY: I just wanted to point out, on our recommendation, we have given thirty days for them to get that approval. If you go with our recommendation, they can keep the boathouse, if they gain that approval within thirty days, and we won't have to come back here.

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and go through all of this again.

PETER JOHNSON: The Bradys are out of town for a week. As soon as they get back in town, we will --

COMMISSIONER GOLLOTT: (Interposing) When do you expect them back?

PETER JOHNSON: Well, she said a week. She left today. Probably, Tuesday of next week, we should be getting together.

COMMISSIONER ZIMMERMAN: Sir, you acted like you wanted to speak.

COMMISSIONER GOLLOTT: State your name, please.


We are considering that access pier a thousand square feet, that part of it, but getting to that property, you have to have an access pier to get to it. If not, if you move that boathouse over, then, we're on this property (indicating).

You see where that gate was, that's an access pier, and I told him I said, "I don't want to move my barge. What do I need to do?"

We cut this pier all up to get underneath that thousand square foot. If we could move it to the next meeting, my fine and everything else.

COMMISSIONER DRUMMOND: Sir, did you realize you were doing that?

STEPHEN JAMES DRENNEN: The boathouse, we moved it out too far. It's not eight foot long.

COMMISSIONER DRUMMOND: Whose problem is that?

STEPHEN JAMES DRENNEN: That was my fault. If I had moved it closer in, we would have been on the marsh.

So I moved it a little bit further out, but we are still off the property line.

I'm in agreement with her. I'm going to build her something, and she is going to sign off on everything.

COMMISSIONER GOLLOTT: I would still like to table this thing until next month and we will look at it again. I don't think it's going to hurt anything. It's not going anywhere. It's not souring.

STEPHEN JAMES DRENNEN: Yes, sir. Thank you.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER ZIMMERMAN: I'll second it.

COMMISSIONER GOLLOTT: All those in favor?

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

COMMISSIONER ZIMMERMAN: I would like to go on the record with something. Mr. Chairman, if I may have the floor for a second.

COMMISSIONER GOLLOTT: Yes, sir.

COMMISSIONER ZIMMERMAN: I've been on the Commission for a year and, at every meeting, we have had an after-the-fact permit, and I'm going to ask the Executive Director to look at what we can do educationwise. We've got to get people to realize you don't build a house without a permit and you don't build a pier with a permit either. It's about protecting the ecology of our State.

We need to look at that and see where we are missing the boat, why are these people not understanding these permits.

COMMISSIONER GOLLOTT: Ernie, just to say this. I've been on here for ten years, and it's been the same way for ten years. We have tried.

COMMISSIONER ZIMMERMAN: We've got to do better.

COMMISSIONER GOLLOTT: We have office of Finance.

BILL FEIDT: Good morning everyone.

Real quickly, I will go through our financial results, as of the end of September.

Key Metrics. We have state revenue of three point four million dollars. Agency revenue total of four point one million. State net income of nine hundred and
twenty-eight thousand dollars, and, then, the operating funds have a negative balance, right now, just due to the timing of the Federal reimbursements. We have a balance of one point two million dollars which we have already drawn down and brought that back positive.

Any questions?

COMMISSIONER DRUMMOND: Are you going to get the Federal money?

BILL FEIDT: Yes. We already have it. It's just in the timing of our month end.

COMMISSIONER DRUMMOND: Are you sure?

BILL FEIDT: I'm pretty sure.

COMMISSIONER DRUMMOND: Thank you, sir.

BILL FEIDT: I can get you the checks, if you need them.

Will that help?

COMMISSIONER DRUMMOND: No.

BILL FEIDT: From a budget standpoint, we are in good shape. We have eighty-one percent of the Operating Funds budget remaining, and, then, on Tidelands, we have ninety-four percent of the budget remaining.

Any questions?

(No response.)

BILL FEIDT: Thank you very much.

COMMISSIONER GOLLOTT: Thank you, sir.

Melissa Scallen.

JASON RIDER: Good morning everyone.

Melissa couldn't make it today so I'm going to do the Public Affairs report.

The DMR was mentioned fifty-five times, in local, state, and regional media since the last Commission meeting.

Items of particular interest included oyster season and the Coastal Cleanup.

The agency participated in Gulfport's First Anchor Fest the last weekend in September. Rain cancelled the event Sunday, but hundreds of people attended on Saturday to see the wooden boat show and participate in various children's activities.

Saturday was the twenty-sixth annual Mississippi Coast Cleanup. Nearly two thousand volunteers showed up to clean the beaches, marshes, and barrier islands, from eight to eleven a.m. Volunteers collected one thousand three hundred and twenty-eight bags of trash and two hundred and seventy-five bags of recyclables. Special thanks to DMR employees, the coordinators, and the Marine Debris Task Force.

The Office of Marine Fisheries is participating in the Jackson County Fair this week. DMR employees are manning a booth for the fair and giving out information each day.

Any questions?

(No response.)

JASON RIDER: Thank you.

COMMISSIONER GOLLOTT: Thank you, sir.

Do we have any other business?

(No response.)

COMMISSIONER GOLLOTT: With no other business, or public comments, do we have a motion to adjourn?

COMMISSIONER DRUMMOND: I make a motion we adjourn, Mr. Chairman.

COMMISSIONER BOSARGE: Second.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor?

(All in favor.)

COMMISSIONER GOLLOTT: Any opposed?

(None opposed.)

COMMISSIONER GOLLOTT: The motion carries.

(Whereupon, at 11:25 o'clock, a.m., the October 21st, 2014, meeting of the Commission on Marine Resources was concluded.)

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CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the October 21, 2014, meeting of the Commission on Marine Resources, as taken by me at the time and place hereinafter stated in the aforementioned manner in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

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